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The Solicitors' Journal

VOL. LXXIX. **Saturday, April 6, 1935.** No. 14

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Current Topics.

Governor-General Designate of Canada.

THE announcement that Mr. JOHN BUCHAN is to succeed Lord BESSBOROUGH in the high office of Governor-General of Canada has been received with universal satisfaction, and not least by members of the legal profession who recall that Mr. BUCHAN is one of themselves, he having been called to the Bar at the Middle Temple in 1901. It is true that ere long he found a wider sphere of influence in political and literary work—as an author he has shown himself a practised writer of amazing versatility—but that his connection with the law was not merely nominal is incidentally borne out by the book he brought out in 1905 on "The Law relating to the Taxation of Foreign Income," to which Lord HALDANE contributed an appreciative foreword. His interest in all that concerns legal matters and legal personalities is also shown by the charming biography he wrote of that virile member of the Scots judiciary, Lord ARDWALL, a monograph packed with good stories admirably told. In public affairs he has gained useful experience, first, as private secretary to Lord MILNER when that able administrator was High Commissioner for South Africa, by varied work during the war period, and by his membership of the House of Commons, where he has always been listened to with respect—an excellent training for the discharge of the high duties that will fall to him in Canada. It has been stated in some quarters that he is the first commoner to be designated for the office. This is not technically accurate, but it is true that he is the first to be appointed who, to use a popular expression, has not a "handle" to his name. The MARQUIS OF LORNE was a former holder of the office, but, despite his title, he was a commoner. As Professor FREEMAN was never weary of insisting, even the eldest son of a peer, the future holder of the peerage, is a commoner as long as his father is alive, unless of course he himself has been created a peer, and whatever title he bears is simply a title of courtesy which carries with it no political privileges above those of other commoners.

Scottish Legal Changes.

THE retirement of Lord CLYDE from the combined office of Lord Justice-General and Lord President of the Court of Session, which he held with distinction since 1920, has been followed, as was generally expected, by the promotion of Mr. W. G. NORMAND, K.C., the Lord Advocate, who in Scotland corresponds officially to the Attorney-General in England. Mr. NORMAND is still young, has successfully filled the post he now quits, has served his country well, both during the war and in the House of Commons, and everything points to his being eminently qualified to take over the duties of the presidency of the Supreme Court of Scotland. To him as Lord Advocate succeeds the Solicitor-General, Mr. DOUGLAS JAMIESON, who commenced his professional life as a solicitor in Glasgow, a training which has stood him in good stead in his career at the Bar. It may be noted that, differing in this respect from the rule obtaining in England, it is not the custom for the Scottish legal officers to be knighted. One or two of them in the past have received the accolade, but, as we have said, in Scotland there is not the cast iron rule which GEORGE III laid down that his judges and his law officers should receive this honour "to keep up the reputation of the ancient order of Knights Bachelor." We cannot part from recording these changes without expressing the hope that Lord CLYDE, who quite recently enriched the literature of jurisprudence by his masterly translation of Sir THOMAS CRAIG'S "Jus Feudale," may be able to devote some part of his leisure, if health permits, to further work exhibiting his learning and scholarship.

Business of Courts : The Chancery Division.

GIVING evidence before the Royal Commission on the Dispatch of Business at Common Law last Friday week, CLAUSON, J., referred to the harmony which exists between the six judges of the Chancery Division and to the manner in which they co-operate in the discharge of their judicial duties. They were, the learned judge said, in and out of each other's rooms daily if there was anything they wished to discuss together. They all knew they could treat each other as an *alter ego*. There was no formality about it. They were, in fact, arranging their affairs in such a way as they thought convenient to the public. Reference was also made to the improvements which had taken place in the last few years in regard to witnesses waiting to be heard—improvements due, the learned judge thought, to the fact that solicitors helped the judges and judges solicitors. Most of the advantages aimed at by fixing a day for trial were, it was intimated, obtained by the "warning" system. Hardly any of the cases in the Chancery Division could be relied upon to last for less than a day and the existing practice was supported. Each judge's clerk is available to give information to the solicitors' managing clerks and to counsel's clerks as to the cases in the warned list, and the smooth working of the present system was attributed to a great extent to the fact that judges' clerks keep in close touch with solicitors and counsel. Dealing with the recommendation made by the Business of the Courts Committee in their Second Interim

Report that the probate work of the Probate, Divorce and Admiralty Division should be assigned to the Chancery Division, and with the further suggestion that the revenue work should be so assigned, the learned judge, who intimated that he was authorised to speak on behalf of his fellow judges of the Chancery Division, indicated that no objection would be raised to the undertaking of such additional work subject to one proviso—that the number of judges in the division were raised from six to seven. It was pointed out that the work of the division had recently been substantially increased by the transfer to one of its judges of the work formerly done by the law officers in regard to appeals from the Comptroller of Patents; and that, while the division was able for the moment to keep up with its work, arrears would accumulate at once if the additional work suggested were undertaken without the addition of another judge. Replying to Lord PEEL (Chairman of the Commission) the learned judge referred to the difficulties attendant upon the hearing of heavy patent actions. A judge might be burdened in any particular year by three or four heavy cases of this character and a number of such cases tended to upset the balance regarding the arrangement of the general business for many months.

The Probate, Divorce and Admiralty Division.

MR. R. F. BAYFORD, K.C., giving evidence before the Commission on Tuesday, expressed the opinion that the Probate, Divorce and Admiralty Division of the High Court as at present constituted met the requirements of litigants in those branches of the law satisfactorily and with expedition. The fact that the present system enables a judge or judges to be found to try Admiralty business as and when required without any detriment to trial of Probate or Divorce cases was alluded to. The witness was opposed to sending litigants in probate matters to the Chancery Division or in divorce matters to the King's Bench Division. Probate actions, he said, were sometimes tried before juries and there was no facility for that in the Chancery Division. Sending probate actions to be tried in the King's Bench Division would probably involve delay to the litigant. A similar delay would, it was suggested, result from the transfer to the last-named division of divorce cases, where, as a matter of policy, delay should be avoided. Separation of the Probate and Divorce Registry would also be involved with its attendant probability of additional expense. There would, moreover, cease to be a Bar specialising in probate and divorce as the two matters, if separated, would cease to attract. Mr. BAYFORD expressed his belief that such Bar was of value to the judges in administering the divorce law as at present in force. Allusion was made to undefended cases in which the judge had to rely very largely upon the Bar bringing the proper matters to his attention. Reference was also made to the additional work involved at Assizes by the trial of divorce matters there. Mr. BAYFORD advocated as a measure to relieve the pressure on the King's Bench Division the appointment of a Commissioner in Divorce who could deal with divorce cases now tried at Assizes. Such Commissioner should be given the position of a High Court judge. Possibly he might not have the assistance of a Divorce Bar, but he would have the time and experience to enable him to deal with the cases. Other methods of relieving the King's Bench Division suggested by Mr. BAYFORD were the transfer of revenue work to the Chancery Division, and, possibly, the commercial work to the Probate, Divorce and Admiralty Division.

The Home Office and the Speed Limit.

IN the course of a circular recently issued by the Home Office to magistrates throughout the country regarding the enforcement of the speed limit of 30 miles an hour in built-up areas, it is emphasised that the primary intention of the limit is to increase the margin of safety available for dealing with unforeseen emergencies. It indicates the employment of energetic measures by the chief officers of the police throughout the country to detect offences and refers to the wide publicity which is being given to the methods of enforcement which the police will adopt. These measures are aimed specially at putting a check on overtaking at excessive speed, itself—the circular states—a most fruitful cause of accidents. For this purpose police in plain clothes may be employed. It is not proposed that any further caution shall be given to individual offenders, but that proceedings shall be taken in every case. It is recognised that for a time there may be a large increase in the number of summonses for which application will be made by the police, and in the number of cases for hearing by the justices, and it is realised that in some areas it may be necessary to make arrangements for holding additional courts in order that cases may be heard without undue delay. The circular urges it is important that in dealing with offenders the justices should bear in mind two special considerations. First, to exceed the permitted speed is in itself an offence; secondly, unless effective steps are taken in all areas to secure compliance with the law, it will be impossible to determine the value of the speed limit provision as a whole. The experimental nature of the new limit is indicated by reference to sub-s. (10) of s. 1 of the Road Traffic Act, 1934, which provides that the provisions relating to the limit shall cease to have effect after 1939 unless Parliament otherwise determines. The circular concludes: "The Secretary of State has no doubt that with these considerations before them, the justices will do their utmost to co-operate in the enforcement of the new provision and to insure that, so far as they are concerned, the experiment on which Parliament has decided shall not be made of no effect through lack of adequate enforcement." The hearing of recent summonses under the new regulations suggests that the letter of the law is being enforced, at least in London. Fines were imposed in 45 out of 46 cases recently heard in the first of the special courts at Bow Street dealing with the matter. Convictions were based on evidence of overtaking a police car proceeding, according to speedometer, at the legal limit and of a following police car registering a maximum 40 miles an hour in the course of one-fifth of a mile. One summons was dismissed under the Probations of Offenders Act. In this case the police stated that the defendant only just managed to pass them when they were maintaining a speed of 30 miles an hour. The magistrate thought the defendant did exceed the limit at a certain time. It was intimated that all speed limit convictions were automatically endorsed on licences unless any special reason could be shown.

Trapping.

IN answer to various questions recently asked in Parliament with regard to the trapping of motorists by police disguised as civilians, the Home Secretary intimated that he was glad of the opportunity of dealing with certain misapprehensions as to the effect of a statement issued by the Commissioner of Police of the Metropolis. He pointed out that the object of the method of enforcement alluded to was not to set traps for unwary motorists, but to put a general check on driving at excessive speed, particularly upon overtaking at speeds in excess of the prescribed limit. The police were entitled to patrol in plain clothes, whether on foot or in vehicles. While it is no offence for a driver of a vehicle to fail to stop on the signal of a constable not in uniform, if he does not stop and cannot be overtaken, he would have no legitimate cause for complaint if he did not receive warning at the time that he was to be reported with a view to proceedings. Sir JOHN GILMOUR pointed out that the speed limit applies only to built-up areas, and thought it rather far-fetched to suggest that in areas where it applies there was any likelihood of motorists being signalled to stop by unauthorised persons. In answer to further questions, the Home Secretary said that every plain clothes policeman on being asked to produce his

authority must always do so, and that if the police have to pursue someone who is obviously breaking the law, they are immune from the speed limit. He was not aware of any new difficulty likely to arise from the fact that one who failed to stop at the instance of a constable not in uniform would have to be identified upon a summons being taken out. The Llandudno magistrates recently expressed strong disapproval of police traps and in a number of cases indicated that defendants whose speed did not exceed 34 miles an hour over a measured distance of 220 yards, where a trap by stop-watch was in operation, would have to pay 4s. costs. Fines varying from 10s. to £1 were imposed in other cases. No licences were endorsed, but motorists were warned by the Chairman to keep within the regulations. According to a report in *The Times*, the Chairman said: "We, as magistrates, do not favour—in fact we do not approve—of trapping in this way. We also think that the distance selected for the trap is not long enough. In any case, trapping is not English, or Welsh, or perhaps I should say, British, and we don't like it."

Slum Clearance Compensation.

ONE of the most significant changes introduced in housing legislation by the new Housing Bill—the assessment of compensation—was considered in Committee last Friday week. Clause 58 provides by sub-s. (1) for the exclusion from a clearance order made under the Act of 1930 of dwelling-houses or other buildings properly included in such an area only on the ground that by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants, and will enact that, if a compulsory purchase order is confirmed with respect to the site of any such dwelling-house or other building as being land comprised in a clearance area, the compensation to be paid for land and buildings shall be assessed in accordance with the provisions contained in Part II of the Third Schedule of the Act of 1930—in other words, at more than site value. Defending the principle embodied in the sub-section the Minister of Health said that the only way to secure speed in housing reform was to secure public assent, and to secure that assent the public must be assured that justice was being done. The justification of site value as the basis of compensation was that a house was unfit for habitation, but if a house were fit for habitation the owner was entitled to more than site value. If a house were not unfit for habitation it had *ex hypothesi* some value, and that value had to be assessed for compensation. Sir HILTON YOUNG denied that the sub-section could be regarded as giving a fresh dole to the landlord or that the change in the basis of compensation was due to political pressure and an amendment to the effect that the foregoing provision should be omitted from the Bill was negatived without a division.

The Reduction Factor.

THE Standing Committee considered what has come to be known as the reduction factor on Tuesday. Sub-clause (2) of cl. 58 is concerned with the proviso to s. 46 of the Housing Act, 1925, which relates to the reduction of compensation payable in respect of the compulsory purchase of land comprised in a clearance area where the land is to be appropriated for the re-housing of persons of the working classes. The sub-clause provides that this proviso shall cease to have effect as respects the compensation to be paid for land made the subject of a compulsory purchase order on or after 20th December, 1934, and the sub-clause is retrospective. In moving an amendment (negatived by thirty-three votes to six) it was urged that the basis of compensation adopted in 1919 (Acquisition of Land (Assessment of Compensation) Act, 1919) was perfectly fair; owners of good property were to receive market value, while owners of unhealthy, condemned houses were to receive market value less what was called reduction factor, which brought down the compensation to site value. In reply the Minister of Health said that the Committee was not concerned with the merits of the property-owner as a member of society or with his motives, but with a question of valuation, and they were not dealing with the value of the property, but with the value of the land. The former practice, whereby property-owners claimed against local authorities for a special increase in the value of their land in respect of an alleged special adaptability of the land for the purposes for which it was wanted, was alluded to, together with the fact that owners were now, quite justly, prevented from making such a claim. But it was impossible to justify the abolition of that claim and at the same time the retention of the reduction factor. When an alteration was being made in the law, the one must be abolished along with the other. Sir HILTON YOUNG refused to allow the statement that the sub-clause would have a serious effect on the cost of clearance and re-housing to go unchallenged. The increased cost would be insignificant and would impose no substantial obstacle to the progress of the schemes.

Royal Assent.

AMONG measures which received the Royal Assent on 28th March are the Increase of Rent and Mortgage Interest (Restrictions) Act—the contents of which were indicated in our issue of 23rd March—the Post Office and Telegraph (Money) Act and the Post Office (Amendment) Act.

Recent Decisions.

AN interesting point of law was raised in *Re Hurst: Harper* v. *King Edward's Hospital Fund for London* (p. 252 of this issue), where the destination of a gift of residue for "the King Edward the Seventh's Royal Hospital London" was in question. There were various claimants, none of them completely answering the description and on the evidence as it stood FARWELL, J., thought it was reasonably plain that the testator had not in his mind any particular institution when he made his will. He might have thought the description would fit some hospital which he did not know and that raised the question whether there was any general charitable intention. The case was settled on the footing that subject to the deduction of a certain sum for the next of kin and estate duty the balance should be divided in accordance with a scheme to be directed in Chambers, the Attorney-General not objecting.

In *Clack* v. *Clack* (*The Times*, 29th March), it was held by a Divisional Court that sums of money ordered under the provisions of the Summary Jurisdiction (Separation and Maintenance) Acts, 1895–1925, to be paid weekly to the appellant's wife in respect of herself and her children were within Rule 19 of the General Rules to all Schedules of the Income Tax Act, 1918, and that the payor had no option but to make deductions in respect of income tax therein required in regard to any annual payment: see *Smith* v. *Smith* [1923] P. 191.

In *J. H. Dewhurst, Limited* v. *Eddins* (*The Times*, 29th March), a Divisional Court held that the sale of stuffed meat otherwise than by net weight was not a sale of butchers' meat within the meaning of sub-s. (1) of s. 5 of the Sale of Foods (Weights and Measures) Act, 1926, and consequently did not infringe the provisions of the sub-section.

In *Lee* v. *Craven* (*The Times*, 2nd April), a Divisional Court dismissed an appeal from a decision of justices who held that the carrying on of the business of a lending library on Sunday was an offence under s. 1 of the Sunday Observance Act, 1677. The appellant contended that the lending of books did not make him tradesman, whose business was confined to buying and selling and to whom the Act exclusively applied (*Palmer* v. *Snow* [1900] 1. Q.B. 725), but the Lord Chief Justice held that there was evidence on which the justices could come to the conclusion that the appellant, as a person trafficing in goods, was a tradesman within the meaning of the Act (*Hankey* v. *Stirling* [1918] 1 K.B. 63).

Police Cars and the Speed Limit.

Now that the speed limit in built-up areas is an accomplished fact and the police detection car a not unfamiliar phenomenon, the erstwhile opponents of the limit are turning their attention from questions of alteration of the law to questions of its evasion.

The motoring correspondent of a London evening newspaper recently raised the question: Is it illegal for a motorist to exhibit on his car a sign: "This is not a police car"? Apparently several thousands of such notices had been printed and were being used in the Metropolitan area.

A statement was reported to have been made on behalf of the Automobile Association as follows: "If the question of obstruction of the police in the execution of their duty is raised in a test case it would be very difficult to argue that there was no intention to obstruct them. The case might easily turn on the question of intent."

Section 2 of the Prevention of Crimes Amendment Act, 1885, under which the charge of obstruction of the police might be brought, applies to "all cases of resisting and obstructing any constable or peace officer when in the execution of his duty."

Some guidance as to what might constitute an obstruction is to be found in two reported cases, one in which a prosecution under the section for warning drivers of police traps was unsuccessful and the other where a similar prosecution was successful.

In the former case, *Bastable* v. *Little* [1907] 1 K.B. 59, two constables were engaged in timing the speed of motor cars along the London Road, Croydon, a road very much used by traffic. The police authorities had previously caused three distances of one furlong each to be measured off on the road, in order that the rates of speed of motor cars on the measured distances might be accurately timed. The defendant, sometimes by signals and sometimes by words, repeatedly warned passing drivers of the existence of "police traps" on the road, while the constables were on duty timing the speed of cars. The defendant was not acting in concert with drivers, nor was he in any way connected with any person or body of persons interested in the driving of motor cars.

The magistrates dismissed the information, and on a case stated the Divisional Court held that the magistrates were right. Lord Alverstone said: "Suppose a party of men are engaged in the offence of night poaching, and a person passing near warns them that the police are coming, I think it is clear that that could not be held to be an offence within this section . . . The magistrates say that in consequence of the warning the drivers may have been enabled to avoid travelling at an illegal speed past the policeman . . . I cannot draw the inference that the cars were breaking the law when they received the warning. I also attach importance to the fact that there was a complete absence of any evidence of conspiracy or agency on the part of the respondent and the drivers of the cars."

Some useful *obiter dicta* were also uttered by Darling, J. (as he then was). He said: "In my opinion it is quite easy to distinguish the cases where a warning is given with the object of preventing the commission of a crime from the cases in which the crime is being committed and a warning is given in order that the commission of the crime may be suspended while there is danger of detection, with the intention that the commission of the crime should be re-commenced as soon as the danger of detection is passed."

In the second case, *Betts* v. *Stevens* [1910] 1 K.B. 1, there was a similar "police trap," but the defendant was in the employ of the Automobile Association, and he signalled warnings of the existence of the trap to members of the Association who were driving past. It was admitted that the warned cars were driving at an illegal speed before entering the controlled area. The magistrates convicted and, in upholding the conviction, Lord Alverstone, C.J., said: "In my opinion a man who, finding that a car is breaking the law, warns the driver, so that the speed of the car is slackened, and the police are thereby prevented from ascertaining the speed and so are prevented from obtaining the only evidence upon which, according to our experience, courts will act with confidence, is obstructing the police in the execution of their duty. . . . However, nothing that I now say must be construed to mean that the mere giving a warning to a passing car that the driver must look out as there is a police trap ahead will amount to an obstruction of the police in the execution of their duty in the absence of evidence that the car was going at an illegal speed at the time of the warning given."

Darling, J., said: "The appellant in effect advised the drivers of those cars which were proceeding at an unlawful speed not to go on committing an unlawful act. If that advice were given simply with a view to prevent the continuance of the unlawful act and procure observance of the law, I should say that there would not be an obstruction of the police in the execution of their duty of collecting evidence beyond the point at which the appellant intervened. The gist of the offence to my mind lies in the intention with which the thing is done."

If Lord Alverstone's analogy of the warning to night poachers of the approach of police does not come within the ambit of wilful obstruction, it would seem to follow *a fortiori* that a mere statement that the police are not in a particular car is not an offence. On the other hand "a conspiracy or agency" to defeat the efforts of the police to detect crime might constitute an obstruction, and a state of circumstances under which the inference of such a conspiracy might be drawn is not altogether impossible. All the above opinions seem to incline to the view that there is no obstruction if the object of the warning is to procure due observance of the law. A notice that a particular car is not a police car, would however, seem to be designed with a contrary purpose in view, namely to encourage law breaking. If the question of intention is relevant, as it appears to be, there is no doubt that the object aimed at is not to procure observance of the law, but to encourage its infringement, and not to assist the police, but to obstruct them. Whether the notice succeeds in doing so is also a matter which is highly relevant and each case will have to be judged by its own facts. If only one car on a crowded road exhibited such a notice, there would probably be no obstruction, but where the car with the notice is driving on a less frequented road, the result might well be otherwise. A test case on the question would provide material for interesting argument.

The Definition of a Bill of Sale.

An attempt to extend the scope of the Bills of Sale Acts was unsuccessful in *In re Lovegrove* (1935), 79 Sol. J. 145, in which the trustees in bankruptcy applied for a declaration that an agreement was void as an unregistered bill of sale. The bankrupt had been a successful manufacturer of furniture, but his was a high-class business, and the difficulty was that the customers required three months' credit. In order to obtain cash for goods supplied, the bankrupt arranged with one Applestone to sell the furniture, as and when ordered, to G. Lovegrove and Co. (Sales) Limited, at 10 per cent. less than the invoice price. The capital of the company was £100 (ninety-eight £1 shares being held by Applestone), and the company re-sold the furniture to Lovegrove's customers at the invoiced price, thereby making a profit of 10 per cent. At the time of entering into this agreement, viz., September, 1933, Applestone also helped the bankrupt by advancing (through the medium of the Company) £5,094 on the security of existing book debts. On 5th February, 1934, there was a receiving

order, which was followed by an adjudication on 19th February, 1934, when the sums due from customers amounted to £7,000. The trustees contended that the agreement was void, as an unregistered bill of sale, and they claimed that the £7,000, being debts due from customers, at the beginning of the bankruptcy, formed part of the estate. Mr. Justice Farwell made a declaration as asked, but the Court of Appeal reversed this decision. Lord Hanworth, M.R., pointed out that the agreement gave the sale company no security over the goods themselves, and was not an assurance of personal chattels, so as to require registration under the Bills of Sale Acts. It was also not an assignment of future book debts, so as to be rendered void by the Bankruptcy Act, 1914, s. 43. Lords Justices Romer and Maugham concurred in allowing the appeal, with costs.

It is noteworthy that the two Bills of Sale Acts, which were passed in 1878 and 1882 respectively, had two different objects. This was explained in *Charlesworth* v. *Mills* [1892] A.C., at p. 235, where Lord Halsbury, L.C., stated that the Act of 1878 was intended to prevent the obtaining of false credit, viz., by people who had been allowed to remain in possession of goods which were apparently theirs. The intention of the Act was that such goods and chattels should be subject to the execution of *bonâ fide* creditors, who ought not to have been induced to give credit by the apparent ownership of the goods. The Act of 1882, however, was passed with a different purpose, viz., to protect impecunious debtors. In order to prevent them from signing legal documents, which they might not understand, the Legislature specified a form of bill of sale, and any departure therefrom invalidated the transaction. There was no intention to interfere with other transactions, outside the mischief of the Act, and it was therefore held that the plaintiff (having paid out the sheriff) was entitled to sell the goods on the authority of a letter from the debtor, which did not require registration as a bill of sale.

A case on the other side of the line was *In re Watson* [1890] 25 Q.B.D. 27, in which an investigation of the true intention of the parties revealed the necessity for registration. The bankrupt was the owner of furniture, and, having suffered an execution, she purported to sell the furniture to one Love for £148, under an agreement, whereby she had the right to buy it back for £200. The county court judge found that the bankrupt did not intend to part with her furniture, which remained in her possession, and which she hoped to redeem. He, nevertheless, held (on the authorities then binding upon him) that the document was not a bill of sale, and the Divisional Court gave a formal judgment upholding his decision. As the authorities were conflicting, leave to appeal was given, and the case was heard by Lord Esher, M.R., and Lords Justices Cotton, Lindley, Fry and Lopes. The first-named judge pointed out that it had been found, as a fact, that there was no real transaction of sale; that there was nothing but a loan, accompanied by a security, given upon the goods. The form of the document in question did not prevent the court from looking at the real truth of the case, which was that the document, being a licence to take possession of personal chattels, required registration as a bill of sale.

In the recent *Lovegrove Case*, *supra*, the bankrupt had proved to be a frank and honest witness, and it was held that there was nothing to be regarded with suspicion, or which should be treated as being a cloak for the true transaction. Although the agreement was unusual, it was held to represent the true intention of the parties, and was therefore valid without registration as a bill of sale.

Mr. Harry Brown, solicitor, of Dorset Square, W., and of Serjeants' Inn, E.C., left estate of the gross value of £56,909, with net personalty £46,187. After certain bequests he left the residue of the property to The Royal Institution, Albemarle Street, W.

Costs.

CONTENTIOUS PROBATE.

We have dealt hitherto with the costs chargeable in respect of non-contentious probate business, and we observed that there is a special scale applicable, and that the rules of the Supreme Court do not apply. At one time the position with regard to contentious probate business was similar, and the costs were regulated by a special scale annexed to the Order of the Court of Probate dated the 30th July, 1862. Now, by virtue of Ord. 65, r. 27 (37) of the Rules of the Supreme Court, the latter rules apply to contentious probate business, and the costs are regulated by Appendix N. Observe, however, that where no provision is to be found in Appendix N for costs in respect of any particular item, then the appropriate charge will be taken from the old scale annexed to the Order of 1862, to which reference is made above (see Ord. 72, r. 2).

Consequently, it is necessary to know something about the scale of charges allowed for contentious business before Appendix N came into force, if one is to be in a position to deal adequately with a bill of costs in respect of contentious probate business. It will, perhaps, serve the purpose of our readers best if, instead of setting out in detail the whole of the allowances normally made in a probate action, which, to a large extent, follows on the lines of an ordinary Chancery action, we give the charges peculiar to a probate action.

It will be remembered that all proceedings in the Court of Probate or the Registries in respect of business not included in the term "common form business" in the Court of Probate Act, 1857, shall, except the warning of caveats, be deemed contentious business. The term "common form" business has been defined in an earlier article, and reference may be made to the Supreme Court of Judicature (Consolidation) Act, 1925, s. 175 (1).

It will be observed that it is provided by r. 12 of the Probate Rules that upon an appearance being entered to a caveat, the matter shall be deemed to be contentious, and the costs of entering the caveat and the warning shall be treated as costs in the cause. Similarly, if contentious business arises from the service of a citation, then the expense of the citation and the service thereof shall be treated as costs in the cause.

Bills of costs in respect of contentious probate work are, like costs in respect of non-contentious work, taxed in the Principal Registry. An appointment to tax is given when the bill is lodged, and the party who has obtained the appointment must give the opposite party at least one clear day's notice thereof, and serve him with a copy of the bill. The cost of the copy bill for the opposite party will be included in the bill of costs, and will not be collected separately as in Chancery actions. In taxations of contentious probate bills as between solicitor and client, the one-sixth rule applies, so that if more than one sixth part of the bill, including the disbursements properly included therein, is taxed off, then the solicitor will have to bear the costs of taxation himself. The taxation of a bill of costs may be reviewed by a judge in the normal way. The application to review is made by summons.

A probate action, as stated earlier, follows much the same course, so far as the various "steps" in the action are concerned, as an ordinary Chancery action. Where the action is to prove the Will in solemn form, charge, at the beginning of the bill "Instructions to prove Will in solemn form, 6s. 8d." followed by "perusing Will, per folio 4d." If a caveat has been entered, then it will be necessary to warn the caveat and the charges will be "Attending searching for caveat, 6s. 8d.," "Instructions to warn caveat, 6s. 8d.," "Drawing and fair copy warning, 5s.," "Attending in the Registry lodging warning, 6s. 8d.," "Service of notice of warning, 5s.," Subsequently a charge of 6s. 8d. will be made for attending to search for an appearance to the warning. The ordinary charges for entering an appearance will be made for appearing to the warning by the opposite party.

The action will then pursue its normal course, and the plaintiffs' bill will continue with the charges for issuing and serving a writ, summons for directions, statement of claim, perusing defence, demanding particulars, discovery, inspection, reply, and so on to the hearing. An unusual item will be the affidavit of scripts, for which the charges will be : Instructions for Affidavit of Scripts, 6s. 8d. ; Drawing and engrossing at 1s. 4d. per folio ; Marking exhibits at 1s. ; Attending the deponent on his being sworn, 6s. 8d. ; Making facsimile copies of the scripts for filing at 6d. per folio, and similar copies to keep ; Attending lodging scripts in the Registry for examination, 6s. 8d. ; Attending filing the affidavit, 6s. 8d. ; Notice of filing, copy and service, 4s. ; Making a copy of the affidavit for the defendant at 4d. per folio, and attending exchanging affidavits, 6s. 8d. A charge of 4d. per folio is allowed for perusing the defendant's affidavit, and a further fee of 6s. 8d. for attending at Somerset House to inspect the defendant's scrips and 2d. per folio for collating the copy of the scripts with the originals. Each party will, of course, pay for a copy of the other party's scripts.

Sometimes a receiver *pendente lite* is appointed, and this is done by way of motion, and the charges follow on much the same lines as the motion for the appointment of a receiver in a Chancery action.

There is little else that differentiates a contentious probate action from an ordinary Chancery action, except that where the action is for revocation of probate, then it will be necessary to charge at the commencement of the bill for the citation. This " step " is, of course, a survival of the old procedure, although the charges allowed have been brought into line with the allowances set out in Appendix N. Thus, an allowance of 6s. 8d. is made for " Instructions for citation " and a charge of 1s. 4d. per folio for drawing and copying it for settlement. An attendance to lodge for settlement is allowed, and also a further attendance to obtain the citation duly settled, both at 6s. 8d. A fee of 6d. per folio is allowed for engrossing the citation on parchment. The citation is supported by affidavit for which the normal charges are allowed, whilst 5s. is allowed for personal service of the citation, or 6s. 8d. if it is served on the opposite party's solicitors.

It is hardly necessary to remind readers that r. 10 of Ord. 65 of the Supreme Court Rules applies, so that the whole of the charges may be increased by 25 per cent.

Company Law and Practice.

Minutes of Company Meetings.

The practical importance of keeping minutes of meetings as a record of what took place thereat will be too well known to my readers to require any elaboration in this column ; but I think that the requirements of the law in relation to the minutes of company meetings and the legal effect of such minutes are not perhaps so familiar. So far as the law's requirements are concerned, I suppose it is true to say that if you comply with the demands of practice you are almost inevitably complying with the law ; for all that the Act says is (s. 120 (1))—

> " Every company shall cause minutes of all proceedings of general meetings, and where there are directors or managers, of all proceedings at meetings of its directors or of its managers, to be entered in books kept for that purpose."

And s. 121 goes on to provide for the inspection and furnishing of copies of the minutes of general meetings. It is worth while, I think, to draw attention to what the Act says, because not all articles contain a clause dealing with the keeping of minutes, and it is in consequence not uncommon to encounter an impression that the question of minutes is purely a matter of practice and has nothing to do with law.

The effect at law of the minutes is a little more complicated. First let us see what the Act says as to this. Section 121 (2) and (3) provides as follows :—

> " (2) Any such minute if purporting to be signed by the chairman of the meeting at which the proceedings were had, or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.
>
> " (3) Where minutes have been made in accordance with the provisions of this section of the proceedings at any general meeting of the company or meeting of directors or managers, then until the contrary is proved the meeting shall be deemed to have been duly held and convened and all proceedings had thereat to have been duly had, and all appointments of directors, managers or liquidators shall be deemed to be valid."

It is clear from this that minutes duly recorded and signed by the appropriate person are evidence of what took place at the meeting and of the proper summoning and conduct of the meeting ; but it is equally clear that they are not conclusive but only *prima facie* evidence. Lord Selborne said in *Re Indian Zoedone Company*, 26 Ch. D. 70, at p. 77, that the corresponding section of the Act of 1862 showed " that the minutes in the books are to be received not as conclusive but as *prima facie* evidence of resolutions and proceedings at general meetings ; and also it may be added . . . that inasmuch as the chairman who presides at such meetings and has to receive the poll and declare its result, has *prima facie* authority to decide all emergent questions which necessarily require decision at the time, his decision of these questions will naturally govern and properly govern the entry of the minute in the books ; and though in no sense conclusive, it throws the burden of proof upon the other side, who may say, contrary to the entry in the minute book, following the decision of the chairman, that the result of the poll was different from that there recorded."

The minutes, therefore, so long as they stand unchallenged are evidence of what took place ; but it is open to anyone who can discharge the burden of proof to show that they do not present a true account. It seems, moreover, that that is the case even where the articles provide that the signed minutes of the proceedings shall be *conclusive* evidence that the proceedings were regular. That was the form of the article in *Betts & Co., Ltd.* v. *Macnaghten* [1910] 1 Ch. 430, where to an allegation that the notice summoning the meeting was defective it was answered that the minutes duly entered and signed were conclusive evidence that the meeting was duly convened and the proceedings regular. It was admitted that if, on the face of the minutes, irregularity appeared the court could take note of it, but in fact the notice calling the meeting did not appear on the record in the minute book except as having been taken as read, and it was said that the court was not entitled to inquire into anything which did not so appear. Eve, J., held otherwise. " The duty of a secretary being to record accurately what takes place at a meeting, he either sets out the notice in the minutes or makes an entry therein sufficient to identify any document which is read or taken as read at a meeting . . . The mere fact that the shareholders dispense with the actual reading of the document . . . does not . . . do away with the necessity of treating that document as having formed part of what was referred to and dealt with at the meeting." Consequently the learned judge treated the notice as if it had been stated at length in the minutes and held that he was bound to look at it to see whether it was in order.

We have seen that the presumed accuracy of the minutes can be challenged if the requisite proof is forthcoming ; and the result is that the minutes can be shown to be inaccurate in their contents or supplemented by evidence of what took place and is unrecorded. As authority for the proposition that minutes can be contradicted, we have the remarks I have already quoted from the judgment of Lord Selborne in *Re*

Indian Zoedone Company. So, in *Tothill's Case*, L.R. 1 Ch. App. 85, the recorded resolution of directors that the applicant (*inter alios*) had agreed to subscribe for shares was successfully challenged when it was proved that no notice of the allotment had been received. In that case it may be noted that there was no evidence that the minutes had been duly read and confirmed at the subsequent meeting, though in fact the judgments do not rely on this. Apart from this authority, it is clear from the wording of s. 121 of the 1929 Act that the existing minutes are capable of contradiction.

There is also a considerable amount of authority to show that omissions in the minutes can be supplied by extrinsic evidence. It is interesting to note that in some of the cases this evidence rests on the principle which really underlies the rule as to the evidentiary value of minutes—viz., *omnia vite acta præsumuntur*; in other words, the presumption of correctness arising from the minutes is rebutted by facts the proof of whose existence depends on a presumption based on the same principle. Thus, in *Knight's Case*, L.R. 2 Ch. App. 321, a shareholder was contesting the validity of a forfeiture of his shares. The minute book of directors' meetings contained no reference to a resolution declaring the shares forfeited. But there were entries in other books of the company, first to the effect that the shares had been forfeited, and secondly that the shares had been transferred to the company. It was pointed out that if no resolution of the directors had been passed these entries would have been made in breach of duty; and the fact of the entries having been made was held sufficient to afford evidence that the necessary resolution of the directors to forfeit the shares had been passed, and so to supplement the deficiency in the directors' minute book.

Similarly, in *Re Great Northern Salt & Chemical Works*, 14 Ch. D. 472, where the validity of an allotment of shares was challenged by a contributory there were no minutes of any board meeting having been held on the relevant day. There, again, there was an entry in the allotment book of the company showing the making of the allotment, and this, coupled with the contributory's own admission that he applied for the shares and received an allotment letter, was held to constitute *prima facie* evidence of allotment despite the absence of a record of a board meeting.

Again, in *Re Pyle Works* [1891] 1 Ch. 173, the real agreement between mortgagees and the company was held to be provable by evidence, although the minutes of the relevant resolution of the directors (of whom the mortgagees were two) was silent on the point, Stirling, J., saying that the evidence was admissible "though the existence of the minute is a circumstance to be considered in judging of its weight." In the more recent case of *In re Fireproof Doors Limited* [1916] 2 Ch. 142, the quorum of directors could only be fixed by the directors, and it was alleged that this had been done at a meeting of directors, but the minutes of that meeting did not record the fixing of the quorum. It was contended that the minutes were exclusive evidence of what took place at the meeting, but Astbury, J., following *Knight's Case*, *supra*, held that an unrecorded resolution might be proved *aliunde*—in this case by the evidence of one of the directors present at the meeting in question.

But that the absence of a recorded resolution in the minute book may be of weight in assessing the evidence put forward to prove that what passed at the meeting is not fully set out by the minutes is shown by the case of *In re Rotherham Alum & Chemical Company*, 25 Ch. D. 103. There, a claim for fees was put forward by a solicitor, who alleged that at a meeting of directors it was agreed that the company should pay him for his services. Evidence was given by the claimant of what took place at the meeting, but the Court of Appeal, whilst saying that the evidence given gave some colour to the contention of the existence of a contract, relied strongly in support of their decision that no agreement had been proved on the fact that the minute book though containing a record of many resolutions passed at the meeting was silent on the alleged contract.

The decisions show us that recorded minutes cannot in any way affect or detract from what was actually done at a meeting and indicate the nature of the evidence which will establish their inaccuracy or deficiency. They cannot by their silence impair rights created by resolutions nor by their falsity impose liabilities where none were effectively created. But it must always be remembered that the onus of proving their inaccuracy rests on the person who challenges them; and further, it seems that unless the issues involved are of sufficient magnitude in the eyes of the parties concerned to warrant a formal trial of the truth of the minutes, there is no effective method of challenging them. Inaccurate minutes which do not by their inaccuracy lead to the imposition of burdens or the taking away of rights are likely to remain unaltered once they have been duly signed, and if the chairman signs them contrary to the wishes of the meeting, what remedy (other than of a domestic and disciplinary nature against the chairman) is there? There appears to be none, unless the question is of such importance as to justify challenging their accuracy in court. I have heard of a meeting which, after the chairman signed the minutes of the preceding meeting, passed a resolution to the effect that they did not constitute a true account. It is difficult to imagine that such a resolution could have any practical effect. It is always true to say that the minutes cannot affect what actually happened: the shifting of the burden of proof to those who seek to impeach them may, in a limited number of cases, have an unfair result, but it is clearly in the vast majority of cases the only practicable rule.

A Conveyancer's Diary.

Sale by Personal Representatives of a Tenant for Life—Purposes of Administration.

A QUESTION which has puzzled me for a long time and to which my attention has been particularly directed of late is whether it is safe to take a conveyance from the legal personal representative of a deceased tenant for life relying upon s. 110 (3) (i) of the S.L.A., 1925. That question involves an inquiry into what is the meaning of "settled land" and of "purposes of administration" as used in that section.

The sub-section reads—

"(3) A purchaser of a legal estate in settled land from a personal representative shall be entitled to act on the following assumptions:—

(i) If the capital money, if any, payable in respect of the transaction is paid to the personal representative, that such representative is acting under his statutory or other powers and requires the money for the purposes of administration."

For my present purpose I need not set out the remaining sub-sections.

First of all, what does "settled land" mean? Does it mean land which is settled land within the meaning of the Act at the time of the transaction? Or, does it mean land which has been settled land but has ceased to be so? Or does it include both?

At first sight it might appear, and certainly did so appear to me at one time, that the expression is intended to mean land which is in fact settled at the date of the transaction. *Primâ facie*, that is the meaning. But if that construction is accepted, a purchaser from a personal representative of a deceased tenant for life must satisfy himself that the land is, at that time, settled land.

If that be so, the section is not of much value, for the purchaser cannot tell whether the land remains settled or not.

He will know that it was so at one time, but he cannot tell whether or not it remains so without inquiring into the title to the beneficial interest, which are all " behind the curtain " and will not be disclosed in the abstract. It seems, therefore, that in s. 110 (3) " settled land " is not confined to land that remains settled, but must refer also to land which has been settled but has ceased at the date of the transaction to be so. When I come to consider the expression " for purposes of administration," I think that confirmation of this view will be found. Before turning to that, I may say that it might be suggested that the sub-section refers only to land which is settled by the will of a deceased estate owner and the " personal representative " mentioned is the personal representative of such owner.

The last-mentioned construction is supported to some extent by s. 6, which enacts that where a settlement is created by the will of an estate owner, (*a*) the will is for the purposes of the Act a trust instrument, and (*b*) the personal representatives of the testator shall hold the settled land on trust to convey it to the tenant for life or statutory owner, and also by s. 8 (3), which provides that the obligations to convey the settled land imposed by ss. 6 and 7 are subject and without prejudice " (*a*) where the settlement is created by a will, to the rights and powers of the personal representatives for purposes of administration."

However, s. 18, which imposes restrictions on the dispositions of settled land where trustees have not been discharged, enacts by sub-s. (2) that the restrictions imposed by this section do not affect " (*a*) the right of a personal representative in whom the settled land may be vested to convey or deal with the land for the purposes of administration." In that sub-section " settled land " clearly includes other land than that settled by the will of an estate owner, and " personal representatives " is not confined to those of a testator-settlor, and I think, therefore, that the protection afforded by s. 110 (3) must be intended to extend to such other representatives.

So far, then, I think that it has been made fairly clear that in s. 110 (3) " settled land " includes land which remains settled and land which has been settled but no longer remains settled and land settled by the will of a testator whose personal representatives are proposing to deal with it.

There are several other examples to be found in the S.L.A. where " settled land " is used to mean land which has been settled but the settlement of which has come to an end—see s. 7 (5); s. 16 (1) (iii) and proviso; s. 17 (1); and particularly s. 36, in which " settled land " can only mean *quondam* settled land.

Now I come to the expression " purposes of administration," which has, I think, been generally misconstrued.

I may say at the onset about this expression that I do not see how it can refer to administration of the settled land; it must relate to administration of the estate of the deceased other than the settled land.

The personal representatives of a deceased tenant for life or statutory owner have no right, power or duty to administer the settled land which has become vested in them. In fact, they do not administer it and there is not any " purpose of administration " of the settled land which they have to serve.

I am aware that it is more or less generally considered that as the personal representatives of a deceased tenant for life or statutory owner are accountable for estate duty thereon, the raising of that duty is a " purpose of administration " of the settled land. That, I think, is not so. Where such personal representatives do mortgage or sell the settled land or *quondam* settled land to raise estate duty for which they are accountable, it is not in the course of administration of that land (with the administration of which they have no concern), but in exercise of the power conferred on them by s. 9 (5) of the F.A., 1894, which enacts that—

> " A person authorised or required to pay the estate duty in respect of any property shall, for the purpose of paying the duty, or raising the amount of the duty where already paid, have power, whether the property is or is not vested in him, to raise the amount of such duty and any interest and expenses properly paid or incurred by him in respect thereof, by the sale or mortgage of or a terminable charge on that property or any part thereof."

There is no purpose of administration of the settled land in that.

I may illustrate what I intend to convey by some examples. It has to be remembered with regard to these examples that the trusts of the settlement are behind the curtain and anything may have happened relating to the beneficial interests without the purchaser having the slightest inkling thereof:—

(1) The land may have been settled on A for life, remainder to his sons in tail, remainder to his daughters in tail, remainder to himself in fee simple and A may have died without issue, so the settlement came to an end on his death.

(2) The land may have been settled on A for life with a general power of appointment by will which A exercised.

(3) A may have been an owner in fee simple subject to life annuities and capital sums charged thereon which ceased or were satisfied (by death, release or payment) before or after his death.

In all these cases it would be proper for A's personal representatives to deal with the land " for the purposes of administration " of A's estate.

Even if the grant were to the Settled Land Act Trustees on the footing that the land remained settled land, the settlement may have come to an end after A's death, or the object of the sale may be to realise A's equitable interests and pay off capital sums (e.g., portions) charged on the land and to pay A's debts, etc. So far as the personal representatives of settled land are concerned, they are A's personal representatives for all purposes and have to administer his equitable interests in the land.

In cases of a sale soon after 1925 a purchaser from general personal representatives of a tenant for life may know enough of the facts to have suspicions that the sale is being effected for the administration, not of the estate of the deceased, but of the settled land and he will know that the general personal representatives have no power to administer the settled land as such. But much may have happened since 1925. The deceased may have purchased the interests of all the remaindermen, or all the remaindermen may have died, or their interests may have been extinguished in various ways, all which matters are behind the curtain, so s. 110 (3) was necessary to prevent the curtain being raised and the trusts disclosed, and the whole equitable title investigated. No such protection is afforded elsewhere.

It will be remembered that in *Bridgett and Hayes Contract* it was assumed that a purchaser could safely take a conveyance from the personal representatives of a tenant for life without inquiry as to the right of the latter to sell or the purpose for which the sale was being effected. The point was not argued and s. 110 (3) of the S.L.A. was not mentioned, but I think that the assumption was justified, but only by reference to that sub-section.

I am not suggesting that the personal representatives of a deceased tenant for life can sell in all cases, in fact, except under s. 9 (5) of the F.A., 1894, he will seldom be right in doing so (and by no means always under that enactment), but if they do sell, the purchaser is entitled to assume under s. 110 (3) that they are selling properly and that the money is required for the purpose of the administration of the estate of the deceased tenant for life.

If I am right that disposes of a question upon which many conveyancers have had grave doubts.

Mr. Edward Tatham Nash, solicitor, of Twickenham and Strand, left £22,928, with net personalty £18,439.

Landlord and Tenant Notebook.

Continuing Covenant: The Test.

THE question whether a covenant is continuing or not is one that is apt to arise long after the document containing it has been made. The importance of the distinction becomes manifest when, the covenant being by the tenant and being referred to in a forfeiture clause, a landlord and his advisers have to consider whether a breach has been or would be waived by accepting rent. Or sometimes a purchaser of the covenantee's interest has occasion to examine the question in order to define his position.

I think the most useful authority of modern times, when it comes to describing the difference, is the Irish decision in *Morris* v. *Kennedy* [1894] 2 I.R. 247, C.A., in which the matter was thrashed out by a judge of the Queen's Bench Division, a Divisional Court of three judges, and a Court of Appeal manned by the Lord Chancellor, the Master of the Rolls, and two lords justices of Ireland. The facts were that a lease of land had been granted in 1872, the land being described partly by reference to a new street which was not yet in existence, but which the lessor covenanted to make within a year of the date of the lease. In 1888, when the plaintiff purchased the term and took stock of his position, there was still no street, and as the term had still some 4,984 years to run he decided to do something about it. The original lessor had died in 1878, and the defendant in the proceedings taken had bought the reversion from his executors. The chief argument advanced in the plaintiff's favour before the appellate tribunals was that in construing a covenant one must look at the lease as a whole. Undoubtedly the parties had contemplated that there would be a street; and the reason why there was no provision for looking after it when made was that they had also contemplated that the local authority would assume that function. A covenant to maintain the street added to the covenant to make it would have meant victory for the plaintiff; but as it was, the Divisional Court and Court of Appeal held that as they were dealing with a stipulation to perform within a fixed date a definite act, he had no remedy. The assignment did not, of course, pass rights of action in respect of past breaches; and it was a fallacy to think that continuing damage meant continuing obligation.

The distinction is of importance whether the obligation be positive or negative, and, to take another modern case, in which surprise and disappointment were occasioned by the ineffectiveness of a covenant which could have been made to serve the desired purpose, this point was illustrated by *Powell* v. *Hemsley* [1909] 1 Ch. 680. The covenant was actually between vendor and purchaser, the latter undertaking to erect on the land (which adjoined other land retained by the vendor) no buildings other than private residences, and that each residence should have not less than half an acre of land, and before the commencement of any erection to submit plans to the vendor for his approval. This, as Eve, J., held, imported a negative obligation not to erect a house without submitting plans; and what had happened was that both properties had changed hands, and the defendant had let his land, and, without any submission or approval the tenant had brought into being what the learned judge described as "a derelict structure, the roofed-in carcase of an uncompleted dwelling-house . . . unpleasing in appearance, built of inferior and unsightly materials by speculative builders who, as one witness observed, were obviously short of money . . . rapidly deteriorating from neglect and exposure to the elements." But the plaintiff, apart from the difficulty that it was not the defendant's work that was so cogently characterised, was up against the hard fact that the implied obligation was to perform a single act; and Eve, J., applied the older authority of *Doe d. Ambler* v. *Woodbridge* (1829), 9 B. & C. 3676, a case in which a landlord failed to enforce a forfeiture for converting residential premises into a shop because the draftsman had omitted to add a covenant not to use them as such, and because since the change had been, to his knowledge, effected, he had accepted rent. In another forfeiture case, *Jacob* v. *Down* [1900] 2 Ch. 156, the lease contained two covenants, one to erect within twelve months and the other to repair erected buildings, as it should; but here the landlord had to suffer for the faulty draftsmanship of the forfeiture notice which specified the former and was consequently held to be ineffective in view of the acceptance of rent accrued due after the twelve months.

Undoubtedly the most difficult covenants to classify on these lines are those which deal with not permitting or suffering specified acts and practices; for, colloquially and otherwise, the word "permit" can bear the meaning of give permission once and for all, or can be understood to mean countenance a state of affairs which one can put a stop to. As I discussed the position at some length in the "Notebook" of 19th December, 1931 (75 SOL. J. 862; see also 76 SOL. J. 267), I will not go into it again in this article; but certainly, where a proviso for re-entry is concerned, landlords would be well advised not to accept rent or otherwise recognise tenancies once they are aware that something is going on which the tenant was not to "permit."

Land and Estate Topics.

BY J. A. MORAN.

THE investments on show at the London Auction Mart of late have been of an unusually high class, and to this one may attribute the increased competition. Freehold ground rents, alone, contributed a large proportion of the total amount received, and this was not surprising as the securities were bound up with very choice investments with reversions, as a rule, of very short duration. Those who have rents of this character for disposal will be well advised to proceed to auction at once. Values now are very high owing to the competition between corporations and public companies, and there is no reason to suppose they are likely to improve in the near future.

At the Rotherham County Court, Judge Frankland held that where goods on a hire-purchase agreement are received from a client by an auctioneer for sale in good faith, the auctioneer, as against the owner of the property, is responsible for payment for the goods received. A firm of auctioneers in Rotherham were sued for the return of a bedroom suite which, it was alleged, the defendants had wrongly detained, or alternatively, for £10 damages for the conversion of the suite. The judge gave judgment for the plaintiffs for £2 12s. 6d. for which it was stated the suite was sold by the auctioneers, with costs.

Increasing value of land in Central London has enhanced considerably the revenues of the Commissioners of Crown Lands. This Government Department is one of the largest owners of property in the country, and receives annually from various rents, no less a sum that £1,250,000. A recent acquisition—or rather reversion—is Old Tilbury Fort, which the War Office no longer requires for military purposes. It was to Tilbury that Queen Elizabeth went to watch the Spanish Armada. The history of this Department is bound up with the history of England, and, even at present, the Commissioners collect quit rents in Wales that were paid to the Welsh Princes before the Norman Conquest.

Speaking at the annual meeting of The Incorporated Society of Auctioneers, Mr. Arthur G. Minter (President) said that a reduction in the income tax in the coming Budget would act as a further stimulant to the trade and industry of the country. Referring to the indiscriminate issuing of auctioneers' and house agents' licenses, the President said if, as it appeared, the profession was not ready for registration, it was of the

utmost importance that some control should be exercised over the issue of government licenses to undesirable persons.

Mr. Minter has made his mark as one of the most successful heads of the youngest professional organisation and his opinions on matters of vital interest are bound to meet with the attention they deserve.

Is this a record in land agency? Mr. John Morton, who has just died, was agent to the Earl of Ducies' Manchester estates from 1885 to 1929; his father was agent from 1846 to 1885; and his grandfather was agent to Lord Ducies' Gloucestershire from 1818 to 1846. The present agent, Mr. Thomas Chalmers Morton, completes four generations who have acted as agents for the Ducies family during 117 consecutive years.

The Sawley estate, in the West Riding of Yorkshire, now in the market, contains the ruins of Sawley Abbey, a Cistercian house, founded in the middle of the twelfth century. One learns from the house book, kept there in 1381, that wheat at that period was 6s. 8d. a quarter, barley, 4s., and oats 2s. 0½d. Wool sold at 2s. a stone and a year's milk from 24 cows only realised 24s.

Where music hath barns is to be found at Chorleywood. On three and a half acres there, and just now in the market, are three old barns, one of which, 75 feet long, has been converted into a music room with a platform at one end and a gallery at the other, and accommodation for 400 persons.

A Standing Committee of the House of Commons has amended and passed through the Committee stage the Increase of Rent and Mortgage Interest (Restrictions) Bill. The Bill was introduced by a private member and received the backing of the Government. It amends the interpretation of the word "tenant" so as to remove an anomaly found in the 1920 and 1933 Acts by omitting the words "dying intestate." This amendment of the law will protect the existing occupants of a dwelling by continuing to them the tenancy whether or not the original tenant dies intestate.

The Government's Bill to deal with ribbon development will be introduced in Parliament shortly after Easter. Finance is said to be the chief cause of the delay.

Our County Court Letter.

ADMINISTRATOR'S CLAIM TO CHATTELS.

In the recent case of *Plant* v. *Baker*, at Tamworth County Court, the plaintiff (as administrator of C. T. Plant, deceased) claimed the return of an anvil, bellows, vice and other blacksmith's tools, or £30, their value. The plaintiff's case was that the articles had been in his family for over fifty years, and he once owned them himself, under a document (prepared by a solicitor) which had been lost. On his leaving the neighbourhood, the articles had been stored, but the deceased (his brother) had taken them out of storage in 1909, and had used them in conjunction with their father until 1931, when the father died. The deceased had then used the articles until October, 1934, when he died in circumstances leading to an inquest. The jury had returned a verdict of "Suicide during temporary insanity." The plaintiff had therefore taken out letters of administration, in which the gross value of the estate was declared not to exceed £1, in order to claim the above articles. The defendant's case was that, for eight years he had been the right-hand man of the deceased, who (in August 1934) had signed four documents making over the business to the defendant, on two conditions. These were that he should keep secret the whereabouts of the deceased, and should pay the arrears of rent for the smithy. A receipt from the landlords was produced, and also the new rent book in the name of the defendant, whose case was that the articles were his, under a valid gift, as the rights of the plaintiff personally (against the deceased) were long since statute-barred. His Honour Judge Ruegg, K.C., observed that the defendant's right to the chattels depended upon the title of the deceased thereto. In spite of his very long user, it did not appear that the deceased had a right to dispose of the articles, and the justice of the case would be met by amending the claim, viz., by striking out the representative capacity of the plaintiff, and giving judgment for him in his personal capacity. An order was made accordingly, but without costs.

RIGHTS OF RIVER FISHERY.

In a recent case at Lampeter County Court (*Evans* v. *Davies-Evans*) the claim was for £60 15s., being four and a half years' arrears of annual payments, due under a verbal agreement. The plaintiff's case was that, as the owner of a farm, he had agreed with a previous owner of the fishery rights (in the River Teify) to remove 900 yards of wire fencing from the banks, and to maintain footbridges over six ditches leading to the river. In consideration of thus facilitating the exercise of the fishery rights, he was paid £12 a year for not restoring the wire fencing, which had formerly kept his cattle in the fields. He had also received £1 10s. a year in respect of the footbridges, the total annual sum thus being £13 10s., which the previous owner of the fishery rights had paid from 1909 until her death in 1929. In that year the plaintiff bought his farm from the defendant, who had retained the fishery rights, and had agreed to continue the above payments. This agreement, however, was not embodied in the conveyance of the farm, and the plaintiff's case was that he was assured (by the defendant's solicitor) that the payments would nevertheless be continued. The defendant denied the alleged verbal agreement, and contended that the only reason for the claim was that he had since sold the fishery rights to persons whom the plaintiff disliked. His Honour Judge Frank Davies observed that the first claim to £13 10s. was only made in 1934. The documents all supported the case for the defendant, and judgment was therefore given in his favour, with costs. It transpired that no one had prevented the re-erection of the fence, and that the plaintiff was at liberty to restore it.

STRAYING SHEEP ON RAILWAY.

In a recent case at Launceston (*Symons* v. *The Southern Railway Company*) the claim was for £5 as the value of two sheep, which had been killed through straying on to the railway. The plaintiff's case was that neither he nor his father (the previous owner) had ever been asked or allowed to maintain or repair the fences, which had originally been erected by the railway company, fifty years ago. In the event of gaps appearing, a report was made to the company's ganger, who saw to the repairs. In the summer of 1934, the hedges were given a severe pruning, and the plaintiff notified the ganger that the company would be held responsible—if any sheep got through the gaps. The company nevertheless denied that they were under any contract or duty to repair the hedges, and they contended that no cause of action arose through their having done so voluntarily. His Honour Judge Lias held that the company, by undertaking the active work of maintaining the fences, and by preventing the plaintiff and his father from doing so, had imposed on themselves a legal obligation to repair—whatever their motive for their action. The company were therefore estopped from denying the plaintiff's right to recover, and their practice (over so long a period) either amounted to an implied contract or else created a duty to repair, for the breach of which they were liable. Judgment was therefore given for the plaintiff, with costs on Scale B, in view of the importance of the case. A stay of execution for 21 days, and leave to appeal, were both granted, His Honour expressing regret that so small an amount should have to be considered by a higher court.

Mr. Evan Robert Davies, solicitor, of Pwllheli, left £24,267, with net personalty £9,967.

POINTS IN PRACTICE.

Questions from Solicitors who are Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, is responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to the Editorial Department, 29-31, Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Calling in of Mortgage where Clearance Order Made under Housing Acts.

Q. 3146. Many years ago a client of ours advanced £750 on mortgage of thirteen dwelling-houses, the rents of which were small. The houses have been kept in good repair, but notwithstanding this fact a Clearance Order has been made under the Housing Acts, 1925 and 1930, and presumably all the thirteen houses will have to be demolished sooner or later at the owner's expense. As the security for the mortgage money will thereupon disappear, the question arises whether the mortgagee has any remedy against the mortgagor. Three of the houses are decontrolled but the remaining ten are not, and therefore s. 7 of the Increase of Rent, etc. Act, 1920, appears to apply to the latter houses. This section prevents the calling in of a mortgage to which the Act applies and apparently prevents a writ being issued under the covenant for repayment. The position of our client, the mortgagee, appears to be a peculiar and difficult one. Is it considered that notwithstanding s. 7 the mortgagee might, in the circumstances, issue a writ for the principal money? Can it not be argued that as soon as the buildings are demolished (or even as soon as the Clearance Order has become operative) the mortgagor has broken his covenant to keep the property in a good state of repair and therefore is no longer protected by s. 7 above mentioned? The interest on the mortgage is not in arrear.

A. The mortgagee appears to be entitled to take steps for recovering his principal money on the ground that the mortgagor has not kept the property in a "proper state of repair" within the meaning of s. 7 of the Rent and Mortgage Interest Restrictions Act, 1920. The fact that a Clearance Order has been made would appear to be evidence of this. To be kept in a "proper state of repair" the property must be kept "not substantially deteriorated and as good a security for the mortgage money as it was." (See *Woodifield* v. *Bond* [1922] 2 Ch. 40, per Sargent, J., at p. 51.)

Whether Necessary to Register as a Class C House.

Q. 3147. A certain house and premises in a rural district was occupied by the owner until 1928, when he moved to another house, letting his original house to a tenant at a weekly rental of 15s. The owner did not know anything about the necessity for registration under the provisions of the above Act. He now desires to obtain possession of the house. It is assumed that a certificate of registration will be necessary. If so, is it to be understood that in the circumstances stated the same can be obtained as a matter of course, on application to the county court?

A. The necessity for registration of a decontrolled house arises only in the case of a house let as a separate dwelling on the 18th July, 1933, the rateable value of which on the appointed day outside the Metropolitan Police District and the City of London did not exceed £13. If the rateable value of the house in question exceeded £13 on the appointed day, registration is, of course, unnecessary. If it did not exceed £13, registration is required, and application may be made to the county court for a certificate of reasonable excuse for failure to apply for registration within three months. The granting of such a certificate is, of course, within the discretion of the court.

Rent Restrictions Act—Cottage part of Licensed Premises—Whether Controlled under s. 3.

Q. 3148. A client of ours, a publican, has been since 1926 tenant from a brewery of (*a*) the licensed premises, and (*b*) a cottage adjoining (part of the same detached building and of the same address). Our client pays an inclusive rent to the brewery for the whole building and the cottage is sub-let by him at about 8s. clear. On our client accepting the tenancy in 1926 he allowed the widow of the former licensee to take possession of the cottage, although we do not think the key was ever in his or the brewery's possession, so as to decontrol the cottage by reason of the 1923 Act. The brewery now wish to enlarge and modernise the whole of the property, provided our client can get possession of the cottage. Is the cottage comprised in s. 3 of the 1933 Act? So far as the brewery is concerned it is included as "licensed premises" by the fact of their letting the whole of the property to their licensee, our client, at one rent. There is only one rate demand for the whole property. Will you kindly give us your views?

A. Assuming that neither the brewery company nor the licensee ever has "actual possession" of the cottage and that, therefore, it has not become decontrolled under s. 2 of the Rent and Mortgage Interest Restrictions Act, 1923, the sub-tenant of the cottage appears to be entitled to the benefit of the Acts.

Compulsory Acquisition of Charitable Land.

Q. 3149. By an Allotment Award made in 1821, a portion of mountain land was constituted a fuel allotment for the Poor of a Parish. By virtue of the terms of the Award and the Commons Act, 1876, the Trustees are unable to sell the property voluntarily. The land is at present rented to a farmer for grazing, at an annual rent of £4, which is distributed among the Poor for the purchase of fuel. The Corporation of an adjoining town have now obtained an Order under the Water Supplies (Exceptional Shortage Orders) Act, 1934, authorising them (*inter alia*) compulsorily to acquire land for the purpose of their scheme. The above allotment forms an essential part of the territory subject thereto, as it contains three valuable springs of water. The point is whether, when assessing the compensation under the Acquisition of Land (Assessment of Compensation) Act, 1919, the effect of sub-section 3 and 5 of Section 2 thereof is to eliminate the value of the springs as a factor for consideration when determining the amount the Corporation should pay for the Allotment. The valuation put on the land is £140, whilst that on the springs of water is £200, so it will be appreciated that this makes a substantial difference in the amount of compensation. We should add that the Trustees do not desire any compensation for the utility the water will be to the Corporation.

A. As we understand the position, it is that no use is now being made of the water springs by the persons entitled to the benefit of the Allotment. The only use being made of the surface is for grazing, which presumably is a seasonal letting. It is obvious that the springs could only be made use of as described in sub-s. (3), but having regard to the decisions *In re Gough Aspatria, etc., District Joint Water Board* [1904] 1 K.B. 417 and *Re Lucas & Chesterfield Gas & Water Board* [1909] 1 K.B. 16 we think the value of the springs should be taken into account by the arbitrator.

To-day and Yesterday.

1 April.—On the 1st April, 1859, James Mitchell, second engineer on the steamer "Bogota," was tried at Liverpool before Willes, J., for aiding and abetting John Buchanan, the chief engineer, in the murder of a stoker. After sailing from Rio, the unfortunate sailor was overcome by the heat and left the stokehole. The engineers had him taken down and tied to the foot of the ladder within three feet of the nearest furnace. After lingering for half an hour, he died practically roasted alive. At Liverpool, the engineers were committed for trial, but Buchanan fled abroad. Mitchell was convicted of manslaughter, and Willes, J., commenting on the "accursed system" of discipline in merchant ships, sent him to fifteen years' penal servitude.

2 April.—England would have missed one of the greatest legal minds in her history if Lord Cairns had not fought a life-long battle against ill-health, twice becoming Lord Chancellor. At one period he was practically kept alive by breathing special inhalations for asthmatic disorders, and towards the end of his life he became so deaf that when he sat to hear appeals in the House of Lords he was obliged to sit close up to the bar. He died at his home at Bournemouth on the 2nd April, 1885, at the comparatively early age of sixty-seven.

3 April.—On the 3rd April, 1849, James Blomfield Rush, defending himself at the Norwich Assizes, on a charge of murder, made one of the most remarkable orations ever delivered in a criminal court. He was carefully dressed, apparently in good health, and seemed confident of an acquittal. His speech, which occupied fourteen hours, was "turgid, bombastic, often hopelessly irrelevant and difficult to follow. If there had been any chance of his securing a verdict of 'Not Guilty,' his defence destroyed it." He was found guilty, sentenced to death, and hanged, truculent to the end.

4 April.—Sir Thomas Powys, formerly a Justice of the Queen's Bench, died on the 4th April, 1719. He had been James II's Attorney-General, and had prosecuted the Seven Bishops. After the Whig revolution, he remained under a cloud until the days of Queen Anne brought him into favour once more. He was appointed to the Queen's Bench, where his brother, Sir Littleton Powys, had long been a judge. In the next reign, he was dismissed because he used his "better abilitye to influence his brother to act in opposition to their colleagues in court."

5 April.—Judicial salaries have been a constantly recurring problem, and in the eighteenth century the Welsh judges were particularly active in agitating for an increase of remuneration. To satisfy them George II raised the duties on vellum, and by 12 Geo. III, c. 30, it was enacted that from and after the 5th April, 1772, additional salaries of £300 to the Chief Justice of Chester and £200 to each of the other seven Welsh judges should be paid out of the stamp duties.

6 April.—On the 6th April, 1692, Henry Harrison, a dilapidated gentleman, was tried at the Old Bailey before the Lord Chief Justice on a charge of murdering Dr. Andrew Clenche. One night the doctor had been lured out of his house under pretence of a sick call, driven away in a coach and strangled with a pocket-handkerchief with a coal in it. There was a woman in the case, a widow in whom the prisoner was all too intimately interested, and whom he imagined had suffered an injury from the doctor in the course of a business transaction. The jury found him guilty and he was sentenced to death.

7 April.—On the 7th April, 1848, Lord Brougham, formerly Lord Chancellor, in a burst of enthusiasm for the French revolution of 1848, applied for French naturalisation.

The Week's Personality.

Few incidents illustrate so vividly the eccentric side of Lord Brougham's brilliant character as his application for French naturalisation, in 1848. Revolution had driven Louis Philippe from the throne. The Provisional Government had called a National Assembly, and Brougham, determining to stand for election, hurried to Paris. On the 7th April, he addressed a letter to the Minister of Justice: "Lord Brougham has the honour to offer his respects to the Minister of Justice; and wishing to be naturalised in France, he has demanded certificates from the Mayor of Cannes (Var) where he has resided for the last thirteen years . . . Lord Brougham requests the Minister to transmit to him the act of naturalisation with as little delay as possible." The embarrassed Minister wrote a reply explaining: "If France adopts you for one of her sons, you cease to be an Englishman; you are no longer Lord Brougham; you become citizen Brougham. You lose forthwith all titles of nobility, all privileges, all advantages of whatever nature they may be which you possessed in your quality of Englishman." After further correspondence, in which Brougham explained that he wished to be a Frenchman in France, but an Englishman in England, and the Minister pointed out that this was impossible, the matter dropped—the plan of "political bigamy" came to nothing.

The Pomp of Assize.

That part of the evidence of certain of the judges before the Royal Commission on the Dispatch of Business at Common Law, which has supported the tradition of the Assize system, has called forth a letter to the press signed "Lex" denying the utility of the circuits and questioning whether the diminished glamour surrounding the "Red Judge" attracts more attention than a meet of foxhounds. Perhaps the latter point has always had some element of truth in it. Buller, J., seemed aware of it long ago when, in reply to a high sheriff who asked him whether he had seen the circus elephant at the last assize town, he said: "I can't say that I did, for a little difficulty occurred. We both came into the town in form with the trumpet sounding before us and there was a point of ceremony to be settled which should visit first." There is also the story of the farmer who took his small son to an Assize Court where Baron Cleasby sat on the Bench statuesque and motionless in scarlet and ermine. As the child gazed, the resplendent figure made a movement. "Whoy feyther," cried the boy, "it's aloive!" He had taken "it" for a waxwork. But stories apart, it is interesting to note that Ireland having abolished its Assizes is now reinstating them.

Reviling the Bench.

The man who recently pleaded guilty at the Old Bailey to maliciously publishing libels on Judge Sherwell Cooper and the Registrar of the Mayor's and City of London Court got off lightly enough in being bound over for two years, for he had sent through the post no less than two hundred scurrilous postcards. In former times, he would certainly have fared worse, as witness the case of The Reverend Thomas Harrison, who, objecting to the opinion of Hutton, J., on the question of ship-money, came to the bar of the Common Pleas and cried in a loud voice: "I do accuse Mr. Justice Hutton of high treason." These rash words drew down on him a fine of £5,000 and a term of imprisonment. He was also required to make his submission in all the courts at Westminster and, to crown his misfortunes, the judge himself brought an action for damages and recovered £10,000. Such severity left very little room for discrimination, and when in 1664 it was found that Nathaniel Bacon, a dissatisfied suitor in the Rolls Courts, had offered a man £100 to murder Sir Harbottle Grimston, M.R., his punishment was if anything somewhat less severe, a fine of 1,000 marks, three months imprisonment and an apology at the bar of the Court of Chancery.

Obituary.

PROFESSOR A. P. HIGGINS, K.C.

Professor Alexander Pearce Higgins, C.B.E., K.C., LL.D., F.B.A., Whewell Professor of International Law at Cambridge, died at Cambridge on Tuesday, 2nd April, at the age of sixty-nine. Educated at Worcester Cathedral (King's) School and Downing College, Cambridge, he was called to the Bar by Lincoln's Inn in 1908. During the war he was Adviser in International Law and Prize Law in the Departments of the Procurator-General and the Treasury Solicitor. He was made C.B.E. in 1917, and in 1920 he was elected Whewell Professor of International Law at Cambridge. He took silk in 1923. In 1930 he and Lord Sankey were appointed British members of the Permanent Court of Arbitration at the Hague.

MR. H. P. WILKINSON, K.C.

Mr. Hiram Parkes Wilkinson, K.C., B.C.L., died at Shanghai on Monday, 1st April, at the age of sixty-eight. Educated at the Methodist College, Belfast, and Exeter College, Oxford, he was called to the Bar by the Middle Temple in 1889. He practised on the Western Circuit until 1894, when he was appointed Acting Crown Advocate at Shanghai. In 1897 he became Crown Advocate and held the post for twenty-nine years. He was Judge of the High Court for Wei-hai-wei for ten years and Acting Judge of H.M. Court for Siam from 1903 to 1905. He was called to the Bar of Northern Ireland in 1926 and took silk in 1928. In 1930 he became High Sheriff of Derry.

MR. L. F. EVEREST.

Mr. Lancelot Feilding Everest, LL.D. (Camb.), barrister-at-law, of New-square, Lincoln's Inn, died at Hampstead on Monday, 1st April, in his eighty-second year. Mr. Everest, who was the eldest son and last lineal descendant of the late Colonel Sir George Everest, C.B., F.R.S., Surveyor-General of India, 1790-1866, was called to the Bar by Lincoln's Inn in 1878 and joined the Midland Circuit. He went up to Trinity College, Cambridge, in 1884.

SIR WILLIAM FAWCETT.

Sir William Claude Fawcett, solicitor, senior partner in the firm of Messrs. Fawcett & Co., of Stockton-on-Tees, died in a Middlesbrough nursing home on Monday, 1st April, at the age of sixty-seven. Educated at Aysgarth School and Malvern College, he was admitted a solicitor in 1891. He was president of the South Durham and North Yorkshire Law Society in 1925 and 1926, and in 1927 he received the honour of knighthood.

COLONEL F. N. BUTLER.

Lieut.-Colonel Francis Noel Butler, solicitor, a partner in the firm of Messrs. Wilkinson & Butler, of St. Neots, died on Tuesday, 26th March, at the age of fifty-nine. Colonel Butler, who was admitted a solicitor in 1899, held many public offices. He had been Clerk to the St. Neots Justices since 1904, and he was also Clerk to the Commissioner of Taxes for Toseland and Leightonstone Divisions.

MR. E. CARDER.

Mr. Eugène Carder, solicitor, of Dover, died on Thursday, 28th March, in his eighty-ninth year. Mr. Carder, who was admitted a solicitor in 1870, was head of the firm of Messrs. Carder & Carder, of Dover.

MR. H. G. HAWKES.

Mr. Henry George Hawkes, solicitor, a partner in the firm of Messrs. Wright Hassall & Co., of Leamington, died on Tuesday, 26th March. Mr. Hawkes, who was admitted a solicitor in 1896, was formerly a member of Leamington Town Council and a director of the Prior's Gas Company.

MR. G. M. JEANS.

Mr. Gerald Mark Jeans, solicitor, of Marlborough, died at Marlborough on Thursday, 28th March. Mr. Jeans, who was admitted a solicitor in 1913, had been Secretary of the Marlborough Chamber of Commerce since its formation.

MR. W. L. MOORE.

Mr. W. Lyndon Moore, D.L., J.P., retired solicitor, of Newport, died on Sunday, 24th March. Mr. Lyndon Moore, who was born in 1857, was educated at Bedford School, and was admitted a solicitor in 1883. In 1892 he was appointed Coroner for Newport and District, an office which he held for thirty-seven years. In 1924 he was elected President of the Coroners' Society of Great Britain. He was a Deputy-Lieutenant for the County of Monmouth, and a Justice of the Peace for the County and for the County Borough of Newport.

MR. F. A. SCHIERWATER.

Mr. Frederic Amandus Schierwater, solicitor, of Liverpool, died recently at his home at Oxton, at the age of sixty-six. Mr. Schierwater, who was admitted a solicitor in 1890, was senior partner in the firm of Messrs. Schierwater & E. D. Symond, of Liverpool. He was formerly President of the Liverpool Amateur Photographic Association.

Reviews.

Reminiscences of an Octogenarian, 1847–1934. By The Right Rev. E. A. KNOX, D.D., formerly Bishop of Manchester. 1935. Royal 8vo. pp. (with Index) 336. London: Hutchinson & Co. (Publishers) Ltd. 18s. net.

During the early days of the present century, when the education question loomed largely in the public eye, and the voluntary schools were in danger of complete extinction, the name of Bishop Knox was famed from one end of the country to the other. Before his translation to Manchester, the author of this very interesting autobiography had achieved no little distinction as Bishop-Suffragan in Birmingham by his advocacy of Bible-reading and simple religious teaching in the board schools of the Midland metropolis—a feature of education which had been completely shut out from the time of the passing of the Education Act of 1870. In the last contested School Board election Bishop Knox led his followers to victory. Thereafter came the Act of 1902, in the framing of which he exercised undoubted influence. He was translated to Manchester shortly afterwards, and had scarcely become settled there when the conflict about the voluntary schools broke out again with renewed violence. The Birrell Bill of 1905 which would have extinguished the voluntary schools was hotly opposed, and ultimately had to be withdrawn. Its defeat was largely due to the march of 10,000 Lancastrians through the streets of London to the Albert Hall headed by the Bishop of London and Bishop Knox—a feat of organisation which is said to have astonished nobody more than Mr. Birrell himself!

As Bishop of Manchester he was a strong disciplinarian, and the case of *Gore-Booth* v. *Manchester* (*Bishop*) in 1918 provided almost the last, if not the last, instance of a conflict between bishop and patron until the quite recent case of the Bishop of Birmingham refusing to licence a presentee to a benefice.

During recent years, since his retirement from the diocese of Manchester, Bishop Knox has taken a leading part in the controversies which have vexed the Church in regard to Prayer-book Revision, and Clergy Discipline generally. As a prominent official of the National Church League, he has been a staunch upholder of the union between Church and State, and his contributions to ecclesiastical literature still form a prominent feature of evangelical journalism.

As is well known, Bishop Knox has served his country by presenting us with an editor of *Punch* in the person of one of his several distinguished sons. The volume before us contains many touches of sly humour, and not a few really good stories. Evidently "Evoe" inherits this quality which his right reverend father still carries in his eighty-eighth year—an age which we respectfully hope will prove to have been still youthful before his active and useful career has drawn to its close. The volume is one in which lawyers, who can always appreciate a well-written book of reminiscence and practical experience in public affairs will thoroughly enjoy.

The County Courts Consolidation Act, 1934. By His Honour Judge McCleary, County Court Judge of Circuit No. 12 (Bradford, etc.) 1935. Demy 8vo. pp. xxxix and (with Index) 270. London: Butterworth & Co. (Publishers), Ltd.; Shaw & Sons, Ltd. 25s. net.

This book, written by the author of two other useful books on county court forms, has been published well in advance of the coming into force of the new Act. This cannot take place until the whole of the Amending Act of 1934 is in force, when, having been fully born, it will commit suicide and give way to its successor. This curious process is delayed until new rules have been prepared. The book contains a very well-written historical survey, showing the genesis and growth in importance of the county courts, which have become the "willing horse" on to which the burdens of new statutes are constantly thrust. At the present time there are between ninety and one hundred statutes under which the county courts have jurisdiction. The survey also sets out the policy of the new Act and the outline of the changes effected. The Act itself is printed fully, with notes to the sections explaining their origin and, wisely, references to only a few cases. There are also printed, where necessary, sections of other Acts, such as the Solicitors Act, 1932, dealing with costs. There are appendices containing the relevant Statutory Rules and Orders, and a very useful table showing how the repealed enactments are dealt with in the Act. There is also a note dealing with the procedure for bringing the Act into force and containing a list of the sections of the Amending Act now in force and those of the new Act which will replace them. The work is likely to be of great use to all who will have to apply an Act which will, as the author says, make great changes in county court practice and be a complete County Courts Act.

Books Received.

Addendum to a Guide to Income Tax Practice. Twelfth Edition. By Roger N. Carter, M.Com., F.C.A., and Herbert Edwards, M.A. (formerly Senior Inspector of Taxes). 1934. London: Gee & Co. (Publishers) Limited. 5s. net.

Tax Cases. Vol. XVIII, Part IX. 1935. London: H.M. Stationery Office. 1s. net.

A Handbook of Probation and Social Work of the Courts. Edited by Mrs. L. Le Mesurier, O.B.E. 1935. Demy 8vo. pp. 366. London: The National Association of Probation Officers. Price 7s. 6d.

Status and Duties of Secretaries and Directors. By Herbert W. Jordan and Stanley Borrie, Solicitor. Eleventh Edition. 1935. Demy 8vo. pp. xiv and (with Index) 137. London: Jordan & Sons, Ltd. 3s. 6d. net.

The Law of Motor Insurance. By C. N. Shawcross, of Gray's Inn and The Midland Circuit, Barrister-at-Law. 1935. Royal 8vo. pp. lxii and (with Index) 836. London: Butterworth & Co. (Publishers), Ltd. £2 12s. 6d. net.

The Law of Wills. By S. J. Bailey, M.A., LL.M., of the Inner Temple, Barrister-at-Law. 1935. Royal 8vo. pp. xxiv and (with Index) 211. London: Sir Isaac Pitman and Sons, Ltd. 15s. net.

Notes of Cases.

Judicial Committee of the Privy Council.

Patel Chhotabhai (since deceased) and Others *v.* Basak and Others.

Lord Thankerton, Sir Lancelot Sanderson and Sir Shadi Lal. 5th March, 1935.

India — Trust — Radha Swami Religion — Property Acquired by Gifts to Spiritual Head—Whether a Trust.

This was an appeal by the plaintiffs against a decree of the High Court of Allahabad, dated the 12th June, 1929. The action was brought by the plaintiffs, who alleged that they were followers of the true faith of the Radha Swami religion, against a number of defendants who, the plaintiffs alleged, were dissentients from the true faith, for a declaration: (*a*) That the so-called Radha Swami Trust (formed in 1904 by the Radha Swami Central Administrative Council for the collection, preservation and administration of properties vested in the trust) was not, in law, a legal and valid trust; (*b*) that the trust, if any, was not a trust created or existing for a public purpose of a charitable or religious nature, or one to which the provisions of Act XIV of 1920 applied. The subordinate judge dismissed the suit, and the High Court dismissed the plaintiffs' appeal.

Sir Lancelot Sanderson, giving the judgment of the Board, said that the main question in the appeal was whether there was a valid legal trust in respect of the properties known as the "Radha Swami Trust," as alleged by the contesting defendants. It was common ground that the faith or religion was founded in 1861 by Swami Shir Dayal. All persons, whether Hindus, Mohamedans, Parsis, or Christians, could be initiated into that religion, provided that they were found to be fit and suitable by the spiritual head or "Guru," and, when initiated, they were called "Sat Sangis." The object of the religion was to attain true and perfect salvation by the liberation of the spirit from the bondage of mind and matter, which could only be achieved by following the practices prescribed by the religion. The founder was the first "Sant Sat Guru." The plaintiffs held that the spiritual leader of their religion for the time being, known as the "Sant Sat Guru," was the incarnation of the Supreme Being in human form. On the other hand, the contesting defendants said that the "Sant Sat Guru" was the representative of and was in communion with the Supreme Being, but they did not accept the plaintiffs' contention that the Supreme Being was incarnate in the "Sant Sat Guru." The properties which were the subject-matter of the suit were acquired with moneys presented to the "Sant Sat Guru" in the form of "Bhents" (presents) or other contributions by the followers of the Radha Swami faith. In order that such a trust as was relied on by the defendants might be valid and enforceable according to law, it was material to ascertain the author or authors of the alleged trust. Next, the intention to create a trust must be indicated by words or acts with reasonable certainty. Their lordships agreed with the contention of the appellants that the followers of the true faith, when making their gifts to the "Sant Sat Guru," could not be supposed to have intended to create any trust, and it could not therefore be said that the donors of the gifts were the authors of the alleged public trust. Could it, then, be said that any of the "Sant Sat Gurus" to whom the gifts were made created such a trust. In view of the essential and unalterable doctrines of the faith with respect to the "Sant Sat Guru," his supremacy and his control over the offerings by which the properties were acquired, it was difficult to arrive at the conclusion that it was ever intended that such a trust as was contemplated by Act XIV of 1920 should be created. Appeal allowed, and declarations made as asked for.

COUNSEL: *W. H. Upjohn*, K.C., *de Gruyther*, K.C., *J. M. Parikh*, and *B. B. Lal*, for the appellants; the defendants did not appear.

SOLICITORS: *Douglas Grant & Dold.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Court of Appeal.

Marshall *v.* Lindsey County Council.

Greer, Maugham and Roche, L.JJ.

10th, 11th, 12th and 13th December, 1934, and 8th February, 1935.

NEGLIGENCE — MATERNITY HOME — INCOMING PATIENT — PUERPERAL FEVER—NO WARNING OF DANGER OWING TO PREVIOUS CASE—LIABILITY FOR MEDICAL OFFICERS.

Appeal from a decision of Lawrence, J.

The defendants maintained a maternity home. On the 4th July, 1933, a patient, who had contracted puerperal fever, was removed from the home. The matron took certain precautions which the medical officers considered adequate, and on the 12th July the plaintiff was admitted. Neither she nor her husband nor her medical advisers were given warning of the previous case of puerperal fever. While in the home, she also contracted it. The jury found that it had been a breach of duty to admit her and not to give her warning, and that her illness flowed from the breach of duty. Lawrence, J. entered judgment for the damages assessed, £750.

GREER, L.J., dismissing the appeal, said that the defendants would not be responsible for any negligence or breach of duty in the decisions of the medical officers. They had not been guilty of negligence in that they had selected incompetent advisers. The medical officers were not acting in a purely administrative capacity as servants of the defendants, but as specialists appointed by reason of their special skill: see *Evans* v. *Liverpool Corporation* [1906] 1 K.B. 160; and *Hillyer* v. *Governors of St. Bartholomew's Hospital* [1909] 2 K.B. 820. However, there was evidence for the jury's findings that the illness was due to infection from the previous case and that the matron was negligent in admitting the plaintiff when she knew or should have known that there was grave risk.

MAUGHAM, L.J., dissented, and ROCHE, L.J., agreed.

COUNSEL: *Cave*, K.C., *Healy*, K.C., and *Sandlands*; *Jackson*, K.C., and *Winning*.

Solicitors: *Taylor, Jelf & Co.*, agents for *Eric W. Scorer*, of Lincoln; *Maude & Tunnicliffe*, agents for *James Young*, of Grimsby.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

Rex *v.* Trustees of Executive Board of Midland (Amalgamated) District (Coal Mines) Scheme, 1930.

Greer, Slesser and Maugham, L.JJ.

19th and 20th March, 1935.

MINES—COAL—OUTPUT STANDARD TONNAGE—ASSESSMENT—EFFECT OF PREVIOUS ARBITRATION—DUTY OF EXECUTIVE BOARD—COAL MINES ACT, 1930 (20 & 21 Geo. 5, c. 34)—MIDLAND (AMALGAMATED) DISTRICT (COAL MINES) SCHEME, 1930.

Appeal from the King's Bench Division (79 SOL. J. 162).

On the 12th December, 1934, by an award of an arbitrator under the Midland (Amalgamated) District (Coal Mines) Scheme, 1930, the annual standard tonnage of a non-special coal mine in the South Yorkshire section of the Midland (Amalgamated) District was fixed at 2,015,000 tons. Under that Scheme, the Standard Tonnage Committee in fixing standard tonnages had to have regard to the special circumstances of all the coal mines in the district. But in appeals by single coal mines, the arbitrator only had before him the special circumstances of that particular mine. As the aggregate tonnage of the district was fixed, the Executive Board had to find where increases awarded by arbitrators were coming from. On the 1st January, 1935, considerable amendments of the Scheme came into force. Under it, the Board and the Committee set about ascertaining the output standard tonnage for all the mines in the section, dividing up among them the sectional standard tonnage, considering the special circumstances of each mine, including the special circumstances considered in arbitrations which had taken place. The tonnage of the mine in question in the present case was reduced much below the figure at which the arbitrator had fixed it. The Divisional Court refused to quash this decision, holding that the arbitrator's award was not a special circumstance within the meaning of the Coal Mines Act, 1930, or the Scheme, and that the new Scheme imposed on the Board a duty to carry out a general review notwithstanding anything done before.

GREER, L.J., dismissing the appeal, said that neither the statute nor the Scheme compelled the Board and the Committee to accept as final for the purposes of fixing the standard tonnage the figures found by an arbitrator in an earlier award. They had not acted *ultra vires*.

SLESSER and MAUGHAM, L.JJ., agreed.

COUNSEL: *J. Herbert* and *T. E. Jones*; *Morris*, K.C., *Houldsworth* and *Dunbar*.

SOLICITORS: *Andrew, Purves, Sutton & Creery*, agents for *Halmshaw & Wagstaffe*, of Barnsley; *Vincent & Vincent*, agents for *Owen V. Smithson*, of Leeds.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

Consett Iron Co. Ltd. *v.* Clavering.

Greer, Slesser and Roche, L.JJ.

20th, 21st, 22nd, 25th, 26th and 27th February and 15th March, 1935.

MINES—COLLIERIES—SHIPPING PLACES—TONNAGE WAYLEAVES—LEASES—MODIFICATION—POWER OF RAILWAY AND CANAL COMMISSION—MINES (WORKING FACILITIES AND SUPPORT) ACT, 1923 (13 & 14 Geo. 5. c. 20)—MINES INDUSTRY ACT, 1926 (16 & 17 Geo. 5. c. 28).

Appeal from the Railway and Canal Commission.

The company owned the Chopwell and Garesfield Collieries and shipping places at Derwenthaugh. In 1889, they acquired wayleave rights and built a mineral railway from Chopwell Colliery to Derwenthaugh, leases being granted to them of certain strips of land over which the railway ran. They now contended that the terms of the leases impeded the working and carrying away of the coal in the most efficient and economical manner, and said that they had approached the owners for new leases or modification of existing leases, but that the terms offered had depended on the continuance of the tonnage wayleaves, or in the case of sale, on a price which was the capital value of such tonnage wayleaves as were now charged. The Railway and Canal Commission ordered the company to be granted for a period of ninety-nine years the right to use their railway over the land at a fixed rent of £10 an acre a year. The owners appealed.

GREER, L.J., delivered a dissenting judgment.

SLESSER, L.J., allowing the appeal, said that the decision appealed from followed one given in Scotland by a Commission presided over by Lord Blackburn (*Hope* v. *Morley and Carron*). The company claimed the right to be freed from certain pecuniary conditions in the leases and to be allowed to carry away coal on other pecuniary conditions. The conditions complained of related solely to the amount of the rent. Proprietary rights should not be taken away unless the legislature so provided in clear terms: *Attorney-General* v. *Horner*, 11 App. Cas. 66. This application was made primarily under the Mines Industry Act, 1926, but consideration had to be given to the Mines (Working Facilities and Support) Act, 1923, which for the first time gave power to compel a

landowner to allow minerals in his land to be worked. Save in certain aspects dealing with adjustment of boundaries, ss. 1 to 3 of that Act dealt with the conferring of rights of working, not with the modification of existing rights, and for the rights granted, compensation was to be paid. This was made clear by s. 6. The compensation under s. 9 (2) was to be assessed " on the basis of what would be fair and reasonable between a willing grantor and a willing grantee." This Act was amended by Pt. II of the Mines Industry Act, 1926, which was to be construed as one with it. Under this Act, too, new rights granted must be subject to payment of compensation. Section 13 (2) gave the Commission power to modify existing rights if the working of coal " in the most efficient and economical manner " was impeded by terms in a mining lease. The modification claimed by the company in the present case was not within the sub-section. It would either mean that the owners' rights were taken away without compensation or that they would receive back as compensation that of which they had been deprived by the court. On the construction of the Acts it appeared that it was not intended to free the mine-owner from his obligation to pay the rent agreed without compensation. Further, the use of the word " manner " in the sub-section implied something in the nature of a physical and not a financial impediment, and the power to grant a right to work for coal " freed wholly . . . from restrictions or conditions " would on that interpretation mean that the Commission could wholly abolish the condition of rent. The Commission had acted without jurisdiction.

ROCHE, L.J., agreed.

COUNSEL: *Greene*, K.C., and *M. FitzGerald*; *Wrottesley*, K.C., and *Rabagliati*.

SOLICITORS: *King, Wigg & Brightman*, agents for *Clayton and Gibson*, of Newcastle-on-Tyne; *Bircham & Co.*; *Gregory, Rowcliffe & Co.*, agents for *Cooper & Jackson*, of Newcastle-on-Tyne.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law]

Appeals from County Courts.

Stein *v.* Gates.

Lord Hanworth, M.R., Romer and Roche, L.JJ.
13th March, 1935.

NEGLIGENCE — ACCIDENT — LICENSED PREMISES — BLIND CUSTOMER — OPEN TRAP-DOOR — DUTY OF LICENSEE — KNOWLEDGE OF WHEREABOUTS — QUESTION WHETHER DEFENDANT ACTED REASONABLY.

Appeal from Hull County Court.

The plaintiff, a blind man, was a regular customer at the licensed premises of the defendant. On the 15th December, 1933, he came in between 12 and 1 o'clock to have a glass of beer. After drinking it, he went out as he not infrequently did to buy some cigarettes, and later, in accordance with a common habit, returned. Before he returned, a man came to deliver coke, and for that purpose uncovered an aperture in the passage-way leading to the bar and the smoke-room. The flap was put up against the entrance to the bar and other precautions had been taken which would have directed the attention of anyone having sight to the possible danger. On his return, the plaintiff fell through the aperture and was injured. The county court judge found that the defendant did not know that the plaintiff had gone out and was likely to return and dismissed the action.

Lord HANWORTH, M.R., allowing the appeal said that the question arose whether a reasonable man would have suspected that this blind man had gone out and might return. There was no finding on this point. Knowledge or the means of knowledge of another's disability engendered a greater duty (see " Bevan on Negligence," 4th ed., p. 178). In *Kimber* v. *Gas Light and Coke Co.* [1918] 1 K.B. 439, at p. 447, Scrutton, L.J., dealt not only with what was known but with what ought reasonably to have been known. There should be a new trial.

ROMER and ROCHE, L.JJ., agreed.

COUNSEL: *Chappell*, K.C., *R. H. Turton* and *C. Salter*; *Picciotto*.

SOLICITORS: *F. Wilberforce Bridge*, agent for *Williamson and Stephenson*, of Hull; *Pearlman & Rosen*, of Hull.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

High Court—Chancery Division.

In re Hurst: Harper *v.* King Edward's Hospital Fund for London.

Farwell, J. 27th March, 1935.

CHARITY — BEQUEST — HOSPITAL — UNCERTAINTY — SCHEME.

This was an originating summons taken out by the sole executor of the will of the late William Hurst, of Little Hulton, in the County of Lancaster, to determine what, if any, institution was entitled under a gift made by the testator of his residuary personal estate to " The King Edward the Seventh Royal Hospital London," or whether the gift failed for uncertainty. Four other claims were made by similar institutions. The testator was a retired publican who lived a quiet life at Little Hulton, and there was no evidence that he had ever subscribed to or had been a patient in any London hospital. The will was made on 8th October, 1920, and the testator died on 9th July, 1933, the net value of the estate being estimated at £42,440. The testator left no issue him surviving, and his next-of-kin were two nephews, sons of a brother, who predeceased him. The testator during his life had frequently expressed great admiration for the personality of King Edward VII.

FARWELL, J., in giving judgment, said the testator lived a very retired life in a small Lancashire town, but he had a great admiration for King Edward VII. He was successful in business and left nearly £50,000. He gave the residue of his estate on trust for conversion and to hold the net proceeds for " The King Edward the Seventh's Royal Hospital London," and declared that the receipt of the treasurer should be a discharge. No institution exactly answered the description in the will. King Edward's Hospital could not come within it because it was not a hospital. The Windsor Hospital to some extent answered the description, but was ruled out by the fact that it was at Windsor. The same applied to the hospital at Ealing. Then the fourth claimant, King Edward's Hospital for Officers, was a hospital in London, but was not a general hospital. On the evidence as it stood at the date of the will he (his lordship) thought that it was reasonably plain that the testator had not in his mind any particular institution when he made his will. But it might be that he thought the description would fit some hospital which he did not know. That led to the question whether there was any general charitable intention. His lordship said that the order for a scheme would be made by the consent of all the parties, the Attorney-General not objecting.

COUNSEL: *G. Maddocks*; *Manning*, K.C., and *Greenland*; *Gavin Simmonds*, K.C., *Wilfrid Hunt* and *Raymond Jennings*; *Alexander Grant*, K.C., and *Baden Fuller*; *Gover*, K.C., and *Walter Hart*; *Andrewes-Uthwatt* and *Charles Harman*, K.C., and *Spafford*.

SOLICITORS: *Gregory, Rowcliffe & Co.*, for *J. & N. Fearnley*, Bolton; *Freshfields, Leese & Munns*; *Bircham & Co.*; *Lambert & Hale*; *Gamlen, Bowerman & Forward*; *the Treasury Solicitor*.

[Reported by S. E. WILLIAMS, Esq., Barrister-at-Law.]

Wenner *v.* Morris.

Crossman, J. 12th, 13th, 14th and 15th March, 1935.

GAME—GROUSE MOOR—SPORTING RIGHTS—GLIDING FLIGHTS —SUBSTANTIAL INTERFERENCE—DEROGATION FROM GRANT.

The plaintiff enjoyed shooting rights over about 5,000 acres of grouse moor. The defendant was the owner of about

100 acres of this land, and subsequently to the grant of the shooting rights he gave licence to a gliding association to make gliding flights on his property. The plaintiff contended that these meetings drove the grouse away, and sought an injunction to prevent the gliding.

CROSSMAN, J., in giving judgment, referred to *Fitzgerald* v. *Firbank* [1897] 2 Ch. 96 ; *Jeffryes* v. *Evans*, 19 C.B. (N.S.) 246 ; *Gearns* v. *Baker*, 10 Ch. A. 355 ; and *Peech* v. *Best* [1931] 1 K.B. 1, and added that it was not suggested that there had been a deliberate intention to injure the plaintiff's rights. The law was accurately stated in "Halsbury's Laws of England," vol. 15, p. 241 : "Any user of the land which does not fall within the ordinary course of its management or works a substantial change in its character is, if it substantially injures the rights granted, a derogation from the grant and a breach of the usual covenant for quiet enjoyment." Every case was a matter of degree, but here the evidence disclosed a disturbance which was a substantial ouster from the rights granted. There was a breach of the covenant for quiet enjoyment and an injunction must be granted.

COUNSEL : *Simonds*, K.C., *John Bennett* and *Thomas Cunliffe : Evershed*, K.C., and *Pennycuick*.

SOLICITORS : *Collyer-Bristow & Co.*, agents for *Sale & Co.*, of Manchester ; *Stow, Preston, & Lyttelton*, agents for *Evershed & Tomkinson*, of Birmingham.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

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Parliamentary News.

Progress of Bills.

House of Lords.

Army and Air Force (Annual) Bill.
Read Second Time. [2nd April.
Birmingham Corporation Bill.
Read Second Time. [2nd April.
Bury and District Joint Water Board Bill.
Reported, with Amendments. [2nd April.
Cattle Industry (Emergency Provisions) Bill.
Royal Assent. [28th March.
Chester Water Bill.
Read Second Time. [28th March.
City of London (St. Paul's Cathedral Preservation) Bill.
Reported, with Amendments. [2nd April.
Clacton-on-Sea Pier Bill.
Royal Assent. [28th March.
Consolidated Fund (No. 2) Bill.
Royal Assent. [28th March.
Coventry Canal Navigation Bill.
Royal Assent. [28th March.
Criminal Lunatics (Scotland) Bill.
Read Third Time. [2nd April.
Great Western Railway Bill.
Read First Time. [28th March.
Increase of Rent and Mortgage Interest (Restrictions) Bill.
Royal Assent. [28th March.
Metropolitan Police (Borrowing Powers) Bill.
Read Second Time. [28th March.
Ministry of Health Provisional Order Confirmation (County of Holland Joint Hospital District) Bill.
Royal Assent. [28th March.
Ministry of Health Provisional Order Confirmation (Guisborough Joint Smallpox Hospital District) Bill.
Royal Assent. [28th March.
Ministry of Health Provisional Order Confirmation (Huntingdonshire) Joint Hospital District) Bill.
Royal Assent. [28th March.
Ministry of Health Provisional Order Confirmation (South Chilterns Joint Smallpox Hospital District) Bill.
Royal Assent. [28th March.
Newcastle and Gateshead Waterworks Bill.
Read First Time. [2nd April.
Oxford Canal Bill.
Royal Assent. [28th March.
Post Office (Amendment) Bill.
Royal Assent. [28th March.
Post Office and Telegraph (Money) Bill.
Royal Assent. [28th March.
Reading Corporation Bill.
Read First Time. [28th March.
Regimental Charitable Funds Bill.
Royal Assent. [28th March.
Rochdale Canal Bill.
Royal Assent. [28th March.
Salmon and Freshwater Fisheries Bill.
Read First Time. [28th March.
Vagrancy Bill.
Read First Time. [3rd April.
Voluntary Hospitals (Paying Patients) Bill.
Read Second Time. [2nd April.
Weaver Navigation Bill.
Royal Assent. [28th March.

House of Commons.

Army and Air Force (Annual) Bill.
Read Third Time. [29th March.
Beckenham Urban District Council Bill.
Reported, with Amendments. [28th March.
Folkestone and District Electricity Bill.
Read Second Time. [1st April.
Glamorganshire Canal Company Bill.
Reported, with Amendments. [28th March.
Golders Green (Jewish) Burial Ground Bill.
Read Second Time. [1st April.
Government of India Bill.
In Committee. [2nd April.
Land Drainage (Scotland) Bill.
Read Third Time. [3rd April.
Marlow Water Bill.
Read Second Time. [1st April.
Metropolitan Common Scheme (Palewell) Provisional Order Bill.
Read First Time. [28th March.

Ministry of Health Provisional Order (Guildford) Bill.
Read First Time. [3rd April.
National Gallery (Overseas Loans) Bill.
Reported, without Amendment. [2nd April.
Newcastle and Gateshead Waterworks Bill.
Read Third Time. [1st April.
Newcastle-upon-Tyne Corporation (Quay Extension) Bill.
Read Second Time. [1st April.
Northern Ireland Land Purchase (Winding Up) Bill.
Reported, without Amendment. [2nd April.
Reading Corporation Bill.
Read Third Time. [28th March.
Rhyl Urban District Council Bill.
Reported, with Amendments. [1st April.
Sharpness Docks and Gloucester and Birmingham Navigation Bill.
Read Second Time. [1st April.
South Shields Corporation Bill.
Reported, with Amendments. [1st April.
Vagrancy Bill.
Read Third Time. [2nd April.

Societies.

The Law Society: School of Law.

RECEPTION OF PAST AND PRESENT STUDENTS.

Lord MACMILLAN, in addressing the past and present students and their guests assembled at Bell Yard at the annual reception on the 28th March, earnestly commended to them the study of law as a science and as an integral part of the history and life of the nation. Regarded from this aspect, he said, law at once became absorbingly interesting and attractive. "The study of law," he said, "is the study of human relationships. The manner in which we manage to live with each other, with our different interests, our rivalries and our competitive instincts, and to preserve at least the outward semblance of a civilised society, is due entirely to the legal system which we have evolved by a slow process through the ages, and which, although we do not notice it, really forms the reasonable principle of our daily lives.

"I should like to see law made much more interesting to the student than it generally is. When I was taught law forty years ago, my experiences were not exhilarating. I understand that law is now taught much more as a scientific study, but I should like to see more scholarship given to it and more appreciation of it as a learned and attractive humane study. Blackstone realised this truth long ago and educated the gentry of England to appreciate the law, so that his 'Commentaries' were found—though not always read—in practically every English gentleman's library.

"Law is becoming a more and more important vehicle of the social revolution which is taking place in our midst. Anyone who reads the Statute Book of forty or fifty years ago will notice what an extraordinary change has come over the whole outlook of legislation. Whereas legislation was formerly occupied with questions of real property, succession, contract and all the well-known, familiar topics of the law, nowadays it is almost exclusively concerned with social reforms. Immense statutes, generally rather badly drafted, occupy page after page of the Statute Book, and show that the centre of gravity of the law has shifted almost entirely from the old technique and that it has become the vehicle of a great social revolution. This state of the law represents a totally different approach to the study of law from that of the old days. Formerly you could be a very successful lawyer if you knew the technique of the law; now, in order to be really successful, you must have a far wider reach and range of interest. You are brought to realise how the law seems to permeate, to pervade the whole of our social relations, and to become in the end really a branch of sociology. When law is approached in this way it takes on quite a new interest, as a subject well worth learning and mastering for the power and value which it gives to your life as a citizen.

"The background of the law is the background of our national history, and the old books, which are often rather repellent to look at, are very different when you begin to work with them and spend an hour or two over them. It is extraordinary how much you can extract from their ore of really sound interesting metal. I hope that before long we shall see in London an institute of legal research. Hitherto no adequate provision has been made for post-graduate study in the shape of scholarships or fellowships. With the proposed school, however, we shall be able to make available the priceless treasures which London contains. I hope very much that some of you, when your immediate anxieties about examinations and the arrangement of your career are for the moment past, may turn your minds to the attraction of higher legal studies. I can assure you that out of them you will get real delight. You will not only become greater masters of your profession, which is a fine thing to be, but you will also acquire an extraordinary store of interest, so that even the commonest occurrence of your daily practice and your daily life will take on all the interest which a place takes on in your mind when you have once visited it and become familiar with it. If we are able, from time to time, to rear among our law students some men who will devote themselves to those studies, they will be great benefactors of the law. We are learning nowadays to honour those who have devoted themselves to these less lucrative but none the less honourable branches of the legal profession."

The Solicitors' Clerks' Pension Fund.

ANNUAL MEETING.

Sir Roger Gregory, Chairman of the Fund, presided at the fifth annual meeting, which was held in the Court Room of The Law Society, on Thursday, 28th March last.

The Chairman, in presenting the annual report and accounts, said: "It is a matter of great pleasure to me to meet you here again with such a satisfactory report to present to you. It indicates that the Fund is growing, though perhaps growing slowly; but it is like a snowball because, when one member joins, it is quite likely that he will very shortly bring others in with him. I am pleased to tell you that the membership has increased very much this year, by 120 members, and that now there are 589 members. The accounts, which are presented with the report, have been audited, and I think they may be taken as being entirely satisfactory. They show that the annual income is over £13,000, and that the Fund has investments costing £48,700. We have not yet experienced what the actuaries call a strain on the Fund in the way of paying pensions, but it will not be very long before a pension of £225 a year falls to be paid. But for that and all the other pensions which are likely to fall due for payment, ample provision has been made."

Sir Roger Gregory referred to Mr. Harry Rowsell Blaker, a member of the Committee of Management, and to his election as President of The Law Society, saying that he was sure all of them joined in wishing him "a prosperous and happy year of office."

The report and accounts were adopted.

Col. W. Mackenzie Smith, D.S.O., of Sheffield, who had given valuable service on the committee since the establishment of the Fund, was reappointed to the Committee by the Council of The Law Society, and Mr. J. Smeaton (Messrs. Slaughter & May) another member of the Committee who had given useful service since the inception of the Fund, was re-elected to serve as a clerks-committeeman.

The first valuation of the Fund was made as at 31st December, 1934, and this showed a surplus, without taking account of the appreciation of securities. Sir Roger Gregory said "I think you will see the report is made on what they call in the City a very conservative basis, and that every allowance has been made for every difficulty which is likely to crop up. Notwithstanding that, the actuaries report that the Fund is in a completely satisfactory condition."

The office of the Fund is at 2, Stone-buildings, Lincoln's Inn, London, W.C.2, and the Secretary will be pleased to forward literature, and to deal with enquiries.

The Hardwicke Society.

A meeting of the Society was held on Friday, 22nd March, at 8.15 p.m., in the Middle Temple Common Room, the President (Mr. A. Newman Hall) in the chair. Mr. T. F. Southall moved: "That this House deplores the White Paper relating to National Defence." Mr. Martin Woodroffe opposed. There also spoke Mr. T. K. Wigan, Mr. J. A. Petrie, Mr. Menzies, Mr. Ungoed Thomas (ex-President), Mr. Llewellyn Thomas, Mr. Sturge, Mr. Stogdon and The Hon. F. P. Howard. The hon. mover having replied, the House divided, and the motion was lost by two votes.

A meeting of the Society was held on Friday, 29th March, at 8.15 p.m., in the Middle Temple Common Room, the President (Mr. A. Newman Hall) in the chair. Mr. Ifor Lloyd (ex-President) moved "That this House deplores the failure of the National Government to deal with the economic problems of this country." Mr. T. K. Wigan opposed. There also spoke Mr. Menzies, Mr. T. H. Mayers (Hon. Treasurer), Mr. J. Wood, The Hon. F. P. Howard, Mr. Wingate, Mr. Penson, Mr. Cook, Mr. Llewellyn Thomas. The hon. mover having replied, the House divided, and the motion was carried by one vote.

United Law Society.

A joint debate between the United Law Society and the Hardwicke Society took place on the 25th March in Middle Temple Common Room. Mr. Constantine Gallop (H.S.) proposed: "That the abolition of the Capitalist System is desirable in the interests of World Peace." Mr. R. W. Bell (U.L.S.) opposed, and Messrs. S. Krusin (H.S.) and H. Everett (U.L.S.) spoke third and fourth respectively. Messrs. T. H. Mayers (H.S.), F. P. Howard (H.S.), A. Morgan (U.L.S.), J. H. Menzies (U.L.S. and H.S.), Miss C. Colwill (U.L.S.), Messrs. J. F. Hares (H.S.) and S. A. Redfern (U.L.S.) also spoke, and Mr. Gallop replied. The motion was lost by three votes.

The Law Association.

The usual monthly meeting of the Directors was held on the 1st April, Mr. H. Ross Giles in the chair. The other Directors present were Mr. E. Evelyn Barron, Mr. E. B. V. Christian, Mr. Guy H. Cholmeley, Mr. Douglas T. Garrett, Mr. C. D. Hugh-Jones, Mr. John Venning, Mr. Wm. Winterbotham, and the Secretary (Mr. Andrew H. Morton). A sum of £150 was voted in relief of deserving applicants, and other business was transacted.

Law Students' Debating Society.

At a meeting of the Society held at The Law Society's Court Room, on Tuesday, 26th March (Chairman, Mr. B. W. Main), the subject for debate was "The the case of *Doyle* v. *White City Stadium, Ltd.* [1935] 1 K.B. 110, was wrongly decided." Mr. D. R. Boult opened in the affirmative. Mr. M. Bull opened in the negative. Mr. A. N. Buckmaster seconded in the affirmative. Mr. K. A. Wyndham Kaye seconded in the negative. The following members also spoke: Messrs. J. Roberts, P. W. Iliff, W. M. Pleadwell and C. O'Connor. The opener having replied, and the Chairman having summed up, the motion was carried by three votes. There were thirteen members and three visitors present.

Legal Notes and News.

Honours and Appointments.

The King has been pleased to approve that The Right Hon. W. G. Normand, K.C., M.P., Lord Advocate for Scotland, be appointed Lord Justice-General and Lord President of the Court of Session in Scotland as from 1st April, 1935, in succession to The Right Hon. Lord Clyde, who retires on 31st March, and that Mr. Douglas Jamieson, K.C., M.P., Solicitor-General for Scotland, be appointed Lord Advocate in succession to Mr. Normand.

The King has been pleased to give directions for the appointment of Mr. Lewis Matthew Maartensz, District Judge, Colombo, to be a Puisne Justice of the Supreme Court of Ceylon.

The King has been pleased by Letters Patent under the Great Seal bearing date 1st April, 1935, to appoint Sir Edward Rodolph Forber, K.C.B., C.B.E., Mr. Gerald Bain Canny, C.B., Mr. Frank Ashley Barrett, C.B., Mr. Charles Gordon Spry, C.B., and Mr. Cornelius Joseph Gregg, C.B., to be His Majesty's Commissioners of Inland Revenue, of whom Sir Edward Forber is Chairman and Mr. G. B. Canny Deputy Chairman.

The Lord Chancellor has appointed Mr. George Kirkhouse Jenkins, K.C., of Laurel Cottage, Pinner, Middlesex, to be the Judge of the County Courts on Circuit No. 52 (Bath, etc.), in the place of His Honour Judge Gwynne-James, who has retired. The date of the appointment is the 2nd April, 1935. Mr. Jenkins was admitted a solicitor in 1907, and was called to the Bar by the Middle Temple in 1914. He took silk in 1931.

The Lord Chancellor has appointed Mr. Ernest Charles-Jones to be the Registrar of Merthyr Tydfil and Tredegar, Abertillery and Bargoed County Courts as from the 1st April, 1935. Mr. Charles-Jones was admitted a solicitor in 1909.

The Lord Chancellor has appointed Mr. Stanley George Clarkson to be the Registrar of King's Lynn, Wisbech, Downham Market and Swaffham County Courts, and District Registrar in the District Registry of the High Court of Justice in King's Lynn, as from 1st April, 1935. Mr. Clarkson was admitted a solicitor in 1922.

The Lord Chancellor has appointed Mr. Alfred Darby Minton-Senhouse to be the Registrar of Gateshead County Court, as from the 1st April, 1935.

The Minister of Health, The Right Hon. Sir Hilton Young, G.B.E., D.S.O., D.S.C., M.P., has appointed Mr. C. F. Roundell, C.B.E., to be Chief General Inspector in the Ministry of Health.

The Colonial Office announces the following appointments to the Colonial Service, and Promotions, since January, 1935:—Mr. J. Bennett, appointed Assistant Administrator General, Zanzibar; Mr. W. M. Wigley, O.B.E. (Magistrate and Crown Attorney, St. Kitts-Nevis), appointed Puisne Judge, Leeward Islands; Mr. A. J. Ainley, appointed Police Magistrate, Gold Coast; Mr. T. A. Dennison, appointed Crown Counsel, Kenya; Mr. I. R. Greene, appointed Crown Counsel, Tanganyika; Mr. G. C. G. Williams, appointed Chief Justice and Police Magistrate, St. Vincent; Mr. C. M. MacGregor (Clerk, Resident Magistrate's Court), appointed Resident Magistrate, Jamaica; Mr. A. C. Thomson (Clerk of the Courts), appointed Resident Magistrate, Jamaica; Mr. J. E. Boucaud (Principal Officer and Second Deputy Marshal), appointed Deputy Registrar and Marshal, Trinidad; Mr. J. Jackson (District Officer), appointed Assistant Judge of the High Court of the Protectorate of Nigeria; and Mr. A. G. Sherwell (Relieving President), appointed President, District Court, Palestine.

The Lord Lyon King of Arms has appointed Mr. Thomas Innes of Learney, Carrick Pursuivant of Arms, advocate, to be Albany Herald in the room of Sir Thomas Wolseley Haig, resigned. Mr. Innes of Learney was called to the Scots Bar in 1922.

Mr. Oliver Leslie Roberts has been appointed Town Clerk of Lambeth, in succession to the late Mr. Bruce Penny. Mr. Roberts, who served his articles with Mr. Penny, was admitted a solicitor in 1930.

Mr. William Shaw Andrew Robinson, solicitor, Town Clerk of Loughborough, has been appointed Town Clerk of Glossop, in succession to Mr. Roger Rose, who has been appointed Town Clerk of Hyde. Mr. Robinson served his articles with Mr. Arthur T. Pattinson, of Macclesfield, and was admitted a solicitor in 1923.

Mr. Frank A. Howarth, LL.B., Assistant Solicitor of Wimbledon Borough Council, has been appointed Assistant Solicitor of Hammersmith Metropolitan Borough Council. Mr. Howarth was admitted a solicitor in 1933.

Mr. H. E. Buxton, Assistant Solicitor of Cleethorpes Urban District Council, has been appointed Clerk and Solicitor of Mablethorpe Urban District Council. Mr. Buxton was admitted a solicitor in 1931.

Professional Announcements.

(2s. per line.)

Messrs. Freshfields, Leese & Munns, solicitors, of 31, Old Jewry, have taken Mr. Leslie Ernest Peppiatt into partnership as from the 1st April.

Solicitors & General Mortgage & Estate Agents Association.—A link between Borrowers and Lenders, Vendors and Purchasers.—Apply, The Secretary, Reg. Office: 12, Craven Park, London, N.W.10.

Notes.

The next General Quarter Sessions of the Peace for the Borough of Stamford will be held on 24th April, in the Town Hall, Stamford, at 11.30 o'clock in the forenoon.

The Final Examination of the Incorporated Society of Auctioneers and Landed Property Agents will be held on 8th, 9th, 10th and 11th April. There will be a meeting of the Council on Friday, 12th April.

The Earl of Halsbury has intimated to the Home Secretary that he desires to resign the office of Recorder of Carmarthen, which he has held since 1923. Lord Halsbury was called to the Bar by the Inner Temple in 1906. He took silk in 1923.

Mr. John Harrop White, solicitor, of Mansfield, who recently retired from the Clerkship of the Warsop Urban District Council, has been presented with his portrait in oils in recognition of his fifty years' service as clerk. Mr. White was admitted a solicitor in 1878.

A dinner was given at the Guildhall last Wednesday to commemorate the fiftieth anniversary of the Society of Incorporated Accountants and Auditors. Sir James Martin, the President of the Society, was in the chair, and the Lord Mayor was the principal guest.

Dr. Graham Grant, First Clerk of Arraigns at the Central Criminal Court, retired last Saturday after holding the position for twenty years. Dr. Grant, who was formerly a police surgeon, officiated in Court III during the thirteen years that the late Sir Henry Dickens was Common Serjeant.

At the Annual Meeting of the Legal & General Assurance Society Limited, to be held on the 30th April next, the directors will recommend payment of a final dividend for the year 1934 at the rate of 5s. per share, free of income tax, and a bonus at the rate of 2s. per share, free of income tax, both payable on the 1st July, 1935. This is the same as last year.

The directors of the Alliance Assurance Company Limited have resolved to declare at the Annual General Court, to be held on the 8th May next, a dividend of 18s. per share (less income tax) out of the profits and accumulations of the company at the close of the year 1934. An interim dividend of 8s. per share (less income tax) was paid in January last, and the balance of 10s. per share (less income tax) will be payable on and after the 5th July next.

The report on the work of the Charity Commissioners for England and Wales during 1934 has recently been issued by H.M. Stationery Office (Cmd. 4857, price 2d.). The report states that the Commissioners made 696 orders during the year in exercise of the authority first conferred upon the board by the Charitable Trusts Act, 1860, for the appointment or removal of trustees, for the establishment of schemes for the regulation of charities, or for vesting their real estate, through an easy and simple course of procedure, free from technicalities and almost wholly free of cost. In the years 1933 and 1932 the numbers of these orders were 666 and 729 respectively. Accounts of 51,808 separate charities were rendered during the year, compared with 49,220 in 1933.

NUMBERS OF SOLICITORS' AND CONVEYANCERS' CERTIFICATES ISSUED.

Year.	England.	Scotland.	Gt. Britain.
1924–25	15,206	3,133	18,339
1925–26	15,240	3,140	18,380
1926–27	15,201	3,115	18,316
1927–28	15,137	3,093	18,230
1928–29	15,336	3,079	18,415
1929–30	15,459	3,057	18,516
1930–31	15,542	3,020	18,562
1931–32	15,676	2,970	18,646
1932–33	15,807	3,001	18,808
1933–34	15,953	2,987	18,940

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

DATE.	EMERGENCY ROTA.	APPEAL COURT No. 1.	GROUP I. MR. JUSTICE EVE. Non-Witness.	GROUP I. MR. JUSTICE BENNETT. Witness. Part I.
	Mr.	Mr.	Mr.	Mr.
April 8	Jones	More	Andrews	*Ritchie
,, 9	Ritchie	Hicks Beach	More	*Andrews
,, 10	Blaker	Andrews	Ritchie	*More
,, 11	More	Jones	Andrews	Ritchie
,, 12	Hicks Beach	Ritchie	More	*Andrews
,, 13	Andrews	Blaker	Ritchie	More

DATE.	GROUP I. MR. JUSTICE CROSSMAN. Witness. Part. II.	GROUP II. MR. JUSTICE CLAUSON. Witness. Part. II.	GROUP II. MR. JUSTICE LUXMOORE. Witness. Part I.	MR. JUSTICE FARWELL. Non-Witness.
	Mr.	Mr.	Mr.	Mr.
April 8	More	*Jones	*Hicks Beach	Blaker
,, 9	*Ritchie	Hicks Beach	*Blaker	Jones
,, 10	Andrews	*Blaker	*Jones	Hicks Beach
,, 11	*More	Jones	*Hicks Beach	Blaker
,, 12	Ritchie	*Hicks Beach	Blaker	Jones
,, 13	Andrews	Blaker	Jones	Hicks Beach

* The Registrar will be in Chambers on these days, and also on the days when the Court is not sitting.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 11th April, 1935.

	Div. Months.	Middle Price 3 April 1935.	Flat Interest Yield.	‡Approximate Yield with redemption
ENGLISH GOVERNMENT SECURITIES			£ s. d.	£ s. d.
Consols 4% 1957 or after	FA	115¼	3 9 5	3 0 8
Consols 2½%	JAJO	86¼	2 18 0	—
War Loan 3½% 1952 or after	JD	106¼	3 5 10	3 0 10
Funding 4% Loan 1960-90	MN	116½xd	3 8 8	3 0 10
Funding 3% Loan 1959-69	AO	102⅝	2 18 6	2 17 2
Victory 4% Loan Av. life 29 years	MS	115	3 9 7	3 4 0
Conversion 5% Loan 1944-64	MN	120½xd	4 3 0	2 6 0
Conversion 4½% Loan 1940-44	JJ	112¾	3 19 10	2 0 0
Conversion 3½% Loan 1961 or after	AO	106½	3 5 9	3 2 8
Conversion 3% Loan 1948-53	MS	105¼	2 17 0	2 10 5
Conversion 2½% Loan 1944-49	AO	102½	2 8 9	2 3 9
Local Loans 3% Stock 1912 or after	JAJO	94½	3 3 6	—
Bank Stock	AO	355½xd	3 7 6	—
Guaranteed 2¾% Stock (Irish Land Act) 1933 or after	JJ	88	3 2 6	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	95	3 3 2	—
India 4½% 1950-55	MN	114	3 18 11	3 6 0
India 3½% 1931 or after	JAJO	93	3 15 3	—
India 3% 1948 or after	JAJO	83	3 12 3	—
Sudan 4½% 1939-73 Av. life 27 years	FA	120	3 15 0	3 7 3
Sudan 4% 1974 Red. in part after 1950	MN	114½	3 9 10	2 17 2
Tanganyika 4% Guaranteed 1951-71	FA	114	3 10 2	2 17 10
L.P.T.B. 4½% "T.F.A." Stock 1942-72	JJ	112	4 0 4	2 9 4
COLONIAL SECURITIES				
Australia (Commonw'th) 4% 1955-70	JJ	108	3 14 1	3 8 10
*Australia (C'mm'nw'th) 3¾% 1948-53	JD	102	3 13 6	3 11 3
Canada 4% 1953-58	MS	109	3 13 5	3 6 7
*Natal 3% 1929-49	JJ	101	2 19 5	—
*New South Wales 3½% 1930-50	JJ	100	3 10 0	3 10 0
*New Zealand 3% 1945	AO	100	3 0 0	3 0 0
Nigeria 4% 1963	AO	114	3 10 2	3 5 0
*Queensland 3½% 1950-70	JJ	101	3 9 4	3 8 4
South Africa 3½% 1953-73	JD	107	3 5 5	2 19 10
*Victoria 3½% 1929-49	AO	99	3 10 8	3 11 10
CORPORATION STOCKS				
Birmingham 3% 1947 or after	JJ	96	3 2 6	—
*Croydon 3% 1940-60	AO	100	3 0 0	3 0 0
Essex County 3½% 1952-72	JD	107	3 5 5	2 19 10
Leeds 3% 1927 or after	JJ	94	3 3 10	—
Liverpool 3½% Redeemable by agreement with holders or by purchase	JAJO	105	3 6 8	—
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	84½	2 19 2	—
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	94	3 3 10	—
Manchester 3% 1941 or after	FA	95	3 3 2	—
*Metropolitan Consd. 2½% 1920-49	MJSD	101	2 9 6	—
Metropolitan Water Board 3% "A" 1963-2003	AO	99	3 0 7	3 0 8
Do. do. 3% "B" 1934-2003	MS	97	3 1 10	3 2 1
Do. do. 3% "E" 1953-73	JJ	102	2 18 10	2 17 2
†Middlesex County Council 4% 1952-72	MN	113xd	3 10 10	3 1 0
† Do. do. 4½% 1950-70	MN	116xd	3 17 7	3 4 1
Nottingham 3% Irredeemable	MN	94xd	3 3 10	—
Sheffield Corp. 3½% 1968	JJ	108	3 4 10	3 2 2
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS				
Gt. Western Rly. 4% Debenture	JJ	112	3 11 5	—
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